

ORDINANCE NO. 12-32

AN ORDINANCE OF THE CITY OF KEY WEST, FLORIDA, PROPOSING AMENDMENTS TO THE FUTURE LAND USE ELEMENT AND FUTURE LAND USE MAP SERIES OF THE CITY OF KEY WEST COMPREHENSIVE PLAN FOR PROPERTY KNOWN AS THE PEARY COURT HOUSING COMPLEX (RE# 00006730-000000, ALTERNATE KEY # 1006963); AMENDING THE FUTURE LAND USE MAP LEGEND AND DENSITY AND INTENSITY OF DEVELOPMENT, AMENDING MAP 1-1, MAP 1-4, AND MAP 1-6 OF THE FUTURE LAND USE MAP SERIES; PROVIDING FOR A RESIDENTIAL DENSITY OF 8.6 UNITS PER ACRE, CREATING POLICY 1-1.6.4; AND POLICY 1-2.3.11 TO PROVIDE FOR THE INTEGRATION OF THE MILITARY SITE INTO THE COMMUNITY; AND TO DEFINE A NEW FUTURE LAND USE MAP DESIGNATION OF "HISTORIC SPECIAL MEDIUM DENSITY RESIDENTIAL" (HSMDR) AND APPLYING SUCH DESIGNATION TO SAID PROPERTY; PROVIDING FOR SEVERABILITY; PROVIDING FOR THE REPEAL OF INCONSISTENT PROVISIONS; PROVIDING FOR TRANSMITTAL TO THE STATE LAND PLANNING AGENCY; PROVIDING FOR THE FILING WITH THE SECRETARY OF STATE AND FOR AN EFFECTIVE DATE; AND PROVIDING FOR THE INCLUSION IN THE CITY OF KEY WEST COMPREHENSIVE PLAN.

WHEREAS, the City of Key West was informed on or around April 6, 2011 that the United States Navy, with its concessional housing partner, Southeast Housing, LLC, would be pursuing the sale of the property known as Peary Court (RE# 00006730-000000), and all of the structures on it, to a private entity; and

WHEREAS, the Peary Court property is located within the City's Military (M) Future Land Use designation and zoning district; and

WHEREAS, Policy 1-2.6.2 of the Comprehensive Plan does not specify regulatory land use controls for lands that fall under the Military (M) Future Land Use designation but simply recognizes federal preemption of local land use controls; and

WHEREAS, should the ownership change from a military entity to civilian entity, the federal preemption from land use controls no longer provides sufficient and necessary guidance and regulations to accommodate the existing housing and mixed use development on the property; and

WHEREAS, in order to allow staff to develop and analyze necessary and appropriate Future Land Use and zoning amendments, the City Commission approved Resolution 11-325 on November 15, 2011, invoking the Zoning in Progress Doctrine for the Peary Court property; and

WHEREAS, City Commission Resolution 11-325 provided an interim Future Land Use and zoning designation of Planned Redevelopment District (PRD), as well as direction to City staff to consider the following Future Land Use designation changes: Planned Redevelopment District (PRD), Historic Planned Redevelopment District (HPRD), Medium Density Residential (MDR), Historic Medium Density Residential (HMDR), or a hybrid of these designations, as the most appropriate and consistent with the unique site characteristics of the property; and

WHEREAS, staff has analyzed the existing site characteristics and the relationship of the

property to immediately surrounding development and neighborhoods, and the potential function of the existing housing with the community as a whole in order to determine a Future Land Use Designation consistent with the criteria for approving amendments to the Comprehensive Plan Future Land Use Map, pursuant to Section 90-555 of the Land Development Regulations; and

WHEREAS, based on staff analysis, a hybrid Future Land Use designation of Historic Medium Density Residential (HMDR) and Planned Redevelopment District (PRD) to be called the Historic Special Medium Density Residential (HSMDR) district will be the most compatible designation with the existing site characteristics at Peary Court, protects surrounding adjacent established land uses, and promotes consistency with the Comprehensive Plan, conformance with applicable ordinances, changed conditions, land use compatibility, adequate public facilities, the natural environment, economic effects, orderly development, the public interest, and other matters applicable; and

WHEREAS, the proposed amendment is internally consistent with the City of Key West Comprehensive Plan; and by supporting the goals, objectives, and policies of the plan; and

WHEREAS, the proposed amendment is consistent with the Principles of Guiding Development for the City of Key West, Rule 28-36.003, Florida Administrative Code (F.A.C.).

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF KEY WEST, FLORIDA:

Section 1: The City of Key West Comprehensive Plan Goals, Objectives, and Policies shall be amended as follows: (Deletions are ~~stricken through~~ and additions are underlined.)

Add to Goal 1-1 Land Use, Objective 1-1.6, Integrate Former Military Sites, the following new policy:

Policy 1-1.6.4: Peary Court Housing Complex Organizing Element. All new development and redevelopment within the Peary Court Housing Complex shall be consistent with the following key organizing elements:

1. Preserve the existing housing stock of 160 units for permanent multifamily residential purposes.
2. Maintain land use compatibility and sensitivity with the adjacent historic district.
3. Maintain land use compatibility and sensitivity with the adjacent military installation at Naval Air Station Key West Trumbo Point Annex.
4. Affordable housing shall be required for all existing residential, redeveloped residential and new residential development at a ratio of 30% of the total aggregate of the existing or redeveloped, and/or new units on the property.

Amend Goal 1-2 Future Land Use Map, by changing:

Map 1-1, Future Land Use Map Series: The City's Future Land Use Map (pg. 1-10). Remove the Military (M) Future Land Use designation applied to the property, and substitute the new Historic Special Medium Density (HSMDR) Future Land Use designation (Exhibit 1).

The Future Land Use Map Legend and Density and Intensity of Development (pg. 1-11) shall be amended to include the Historic Medium Density (HSMDR) Future Land Use designation, and shall have a maximum nonresidential Floor Area Ratio of 1.0, and maximum residential density of 8.6 dwelling units per gross acre (Exhibit 2).

Map 1-4 of the Future Land Use Map Series (pg. 15) shall be amended to remove the “NAVY” designation on the parcel of property known as the Peary Court Housing Complex (RE# 00006730-000000) (Exhibit 3).

Map 1-6 of the Future Land Use Map Series (pg. 1-17) shall be amended to remove the “NAVY” designation on the parcel of property known as the Peary Court Housing Complex (RE# 00006730-000000) (Exhibit 4).

Amend Objective 1-2.3 Managing Old Town Redevelopment and Preservation of Historic Resources by adding the following policy:

Policy 1-2.3.11: Historic Special Medium Density Residential (HSMDR). The area delineated on the Future Land Use Map as Historic Special Medium Density Residential (HSMDR) is designed to accommodate the existing multifamily military housing complex at Peary Court at that time when the land and improvements are transferred to civilian ownership and City jurisdiction. The designation is intended to maintain land use compatibility with the adjacent historic district and military installation at Trumbo Point Annex. This designation is not intended to accommodate transient or commercial residential land use activities. The allowable residential density shall be a maximum of 8.6 units per acre. The maximum intensity of development shall not exceed a floor area ratio of 1.0 for all uses.

Upon Plan adoption, the land development regulations shall be amended to identify standards and processes to implement new Policy 1-1.6.4, to provide bulk and performance standards to implement the HSMDR designation, and to assure compliance with all other goals, objectives, and policies of the Comprehensive Plan.

Upon plan adoption, the Historic Preservation Planner shall have the discretion to review redevelopment and new development impacts for mass, scale, size, proportion, and screening to ensure compatibility with the existing community fabric. Upon plan adoption, the land development regulations shall be amended to include applicable review criteria for such historic architectural review standards.

Section 2: If any section, provision, clause, phrase, or application of this Ordinance is held invalid or unconstitutional for any reason by any court of competent jurisdiction, the remaining provisions of this Ordinance shall be deemed severable there from and shall be construed as reasonable and necessary to achieve the lawful purposes of this Ordinance.

Section 3: All Ordinances or parts of Ordinances of said City in conflict with the provisions of this Ordinance are hereby superseded to the extent of such conflict.

Section 4: This Ordinance shall be transmitted by the Director of the Planning Department to the State Land Planning Agency pursuant to Chapter 163 and 380, (F.S.).

Section 5: This ordinance shall be filed in the Office of the Secretary of the State of Florida but shall not become effective until a notice is issued by the State Land Planning Agency or Administration Commission finding the amendment is in compliance with Chapter 163, (F.S.), and after any applicable appeal periods have expired.

Section 6: The numbering of the forgoing amendment may be renumbered to conform to the numbering of the City of Key West Comprehensive Plan and shall be incorporated in the City of Key West Comprehensive Plan.

Read and passed on first reading at a regular meeting held this 29 day of May, 2012.

Read and passed on final reading at a regular meeting held this 18 day of September, 2012.

Authenticated by the presiding officer and Clerk of the Commission on 19 day of September, 2012.

Filed with the Clerk September 19, 2012.


CRAIG CATES, MAYOR

ATTEST:


CHERYL SMITH, CITY CLERK

EXECUTIVE SUMMARY



To: Jim Scholl

Through: Donald Leland Craig, AICP, Planning Director

From: Nicole Malo, Planner II

Meeting Date: September 18, 2012

RE: **Comprehensive Plan Amendment** – Approval of an ordinance of the City of Key West, Florida, proposing amendments to the Future Land Use element and Future Land Use Map series of the City of Key West Comprehensive Plan for property known as the Peary Court Housing Complex (RE# 00006730-000000, Alternate key# 1006939); amending the Future Land Use Map Legend and Density and Intensity of Development, providing for a residential density of 8.6 units per acre, amending Map 1-1, Map 1-4, and Map 1-6 of the Future Land Use Map series; creating Policy 1-1.6.4; and Policy 1-2.3.11 to provide for the integration of the military sites into the community; and to define a new Future Land Use Map designation of “Historic Special Medium Density Residential” (HSMDR) and applying such designation to said property; providing for severability; providing for the repeal of inconsistent provisions providing for transmittal to the state land planning agency; providing for the filing with the secretary of state and for an effective date; and providing for the inclusion into the City of Key West Comprehensive Plan.

Location: Peary Court Housing Complex (RE# 00006730-000000, Alternate Key# 1006939)

Background: Recent Action

This is the second reading of the proposed ordinance for adoption of amendments to the Comprehensive Plan for the new Future Land Use designation and Map series for the Peary Court Housing Complex to be designated Historic Special Medium Density Residential (HSMDR). As part of the state mandated coordinated review process for local Comprehensive Plan amendments the Planning Department transmitted the proposed amendments heard and approved by City Commission on May 29, 2012 to the State Land Planning Agency, the Department of Economic Opportunity (DEO) for review. On August 3, 2012 the City received the Objections, Recommendations, Comments (ORC) report from the DEO. Two changes are proposed to the amendment as a result of the ORC report and due to other influences as follows (Existing language is underlined, new language is in double underline format, omitted language has been struck through):

1. **Policy 1-1.6.4:** Peary Court Housing Complex Organizing Element. All new development and redevelopment within the Peary Court Housing Complex shall be consistent with the following key organizing elements:

- ~~4. Recognize that a portion of the existing housing on the property contributes to the affordable housing stock of the community due to its availability to non-military citizens and its rental rate structure, and to maintain such affordability for a reasonable portion of those units.~~
4. Affordable housing shall be required for all existing residential, redeveloped residential and new residential development at a ratio of 30% of the total aggregate of the existing or redeveloped, and/or new units on the property.

2. **Policy 1-2.3.11:** The proposed density for the site, although originally proposed at 8 units per acre, has been adjusted to 8.6 units per acre.

Revised **Policy 1-1.6.4** identifies the four basic organizing elements for development or redevelopment within the HSMDR Future Land Use designation. The proposed amendment to number four (4) now clarifies that 30% of the total existing residential or redeveloped residential, and/or new residential density added to the City's BPAS system from former military sites, must be affordable and meet the requirements of the Affordable Workforce Housing Regulations. The only exception provided is the Peary Court property presently being considered for the companion HSMDR zoning designation. This exception, as discussed with the City Commission on September 6, 2012, is due to the position of the DEO and the Peary Court property owner that the affordable housing requirement is limited to no less than, nor more than 30% of the 160 units presently on the property. Both identified litigation as a method to defend their positions. In consideration of that point the commission decided to allow the zoning to proceed with the lesser number. For future applications of the HSMDR FLUM to excessed military housing, 30% of the total aggregate of units new to the BPAS, inclusive of the affordable units shall be the standard. The following provides the standard equation for the proposed methodology:

Maximum units allowed on site with 30% being affordable:

$$A = X + Y + 0.1(X+Y)$$

Where:

X = Total existent units that are to remain market rate units;

Y = X (30% affordability factor).

Total number of units required to be affordable:

$$B = A(30\%)$$

For example, if a portion of Trumbo Point Annex were to be excessed with 100 residential units existent, and the non-military buyer wished to maintain 100 market rate units and supply 30% new affordable housing in addition, the required affordable housing would be calculated as follows:

A. Maximum units allowed on site:

$$A = 100 + 100(30\%) + 0.1 (100 + 30);$$

$$A = 100 + 30 + 13;$$

$$A = 143$$

B. Number of units required to be affordable:

$$B = 143(30\%)$$

$$B = 43$$

Revised **Policy 1-2.3.11** establishes an allowed density of 8.6 units in the HSMDR FLUM. As permitted by 163.3184(12) F.S., amendments to the Future Land Use element and Map for the HSMDR are being processed at the same time as the related Land Development Regulations (LDR's) for the new HSMDR zoning district. On September 6, 2012 in its deliberation of the amendments to the Land Development Regulations for the HSMDR zoning district the City Commission approved an ordinance establishing a density of 8.6 units per acre, allowing a maximum of 208 units on the site (24.18 acres: Please note that this number is reflective of the most up to date survey made available to the City on September 5, 2012. See attached). This prescribed density is in response to the August 3, 2012 Objections, Recommendations and Comments (ORC) report issued by the Department of Economic Opportunity (DEO) that supports the allocation of 48 new affordable units to Peary Court in addition to the existing 160 units (see attached). The proposed density allowing 48 new units is supported by the proposed EAR based amendments to the Comprehensive Plan and the 2012 Data and Analysis report that were heard by the Planning Board on August 30, 2012 and will be presented to the City Commission on October 2, 2012.

No other changes are proposed to the original transmittal ordinance approved by the City Commission on May 29, 2012.

State Coordinated Review Process and Previous City Actions

Due to the City's Area of Critical State Concern (ACSC) designation, the State Coordinated Review Process required in 163.3184, F.S. is the required process for adoption of a Comprehensive Plan amendment. The process is outlined as follows:

- April 19, 2012: Planning Board approval of transmittal;
- May 29, 2012: City Commission approval of transmittal;
- June 8, 2012: Amendment transmitted to State Land Planning Agency and reviewing agencies (30 days to comment);
- August 3, 2012: Objections, Recommendations, Comments (ORC) report received by the City from State Land Planning Agency to City (60 days after receipt);
- Local government review of comments; adoption of amendments and transmittal;
- September 18, 2012: Second City Commission meeting adopting plan amendment with effective date (within 180 days after receipt of the state land planning agency's report);

- September 28, 2012: Within 10 days of adoption forward copy of Comprehensive Plan amendment to State Land Planning Agency, as well as any other agency or local government who provided timely comments;
- November 2012: Within 45 days of receipt of complete adopted plan amendment State Land Planning Agency may issue Notice of Intent to City determining compliance; and
- December 2012: Appeal period of 21-days after State Land Planning Agency issues Notice of Intent. Rule making process /Ordinance adoption complete.

Background and Existing Site Characteristics

On April 6, 2011, the City was notified that the United States Navy, with its concessional housing partner, Southeast Housing, LLC, would be pursuing the sale of the property known as the Peary Court Housing Complex (RE# 00006730-000000), and all of the structures on it, to a private entity. The property is located within a Military (M) Future Land Use designation and corresponding zoning district. As such, the Future Land Use Element and Future Land Use Map of the City of Key West Comprehensive Plan must be amended, and subsequent amendments to the City's Land Development Regulations would be required to update the zoning district and the City's Official Zoning Map. In order to amend the Future Land Use Element and Future Land Use Map, the following information was reviewed and analyzed:

- Information regarding the consistency of the proposed land use amendments with the future land use element goals, objectives and policies, and those of other affected elements;
- Impacts on Evacuation; Planning and the BPAS;
- A description of availability of and the demand on sanitary sewer, solid waste, drainage, potable water and water supply, traffic circulation, and recreation, as appropriate;
- Tenant Rental Types and Rental Ranges in Relation to Affordable Housing;
- Construction Code/Federal Emergency Management Agency (FEMA) Flood
- Elevation Compliance; and
- Review of Archaeologically Sensitive Areas on the Site.

The attached Data, Inventory and Analysis Report addresses these items and the direction provided by supporting Comprehensive Plan Objectives and Policies. Please note that on September 5, 2012 the Planning Department was provided an updated survey of the Peary Court property dated April 20, 2012 (see attached) in which the size of the site had been reduced from 24.26 acres to 24.18 acres. The density calculations provided herein are reflective of the updated acreage (24.18); however, the supporting data and analysis report referred to maintains the old information of 24.26 acres. The small discrepancy however has been determined not to affect the conclusions of the Data, Inventory and Analysis Report.

The Peary Court Housing Complex consists of approximately 24.18 acres, and began phased construction in 1994. The total number of residences recognized on the property is 160; however, only 157 units are currently in existence on the property today. At the time

of construction, the residences fulfilled military housing needs. However, over time, the tenant type was broadened to include public sector civilians.

The property is located adjacent to the following future land use designations: Military (M) designation at Trumbo Point Annex, the Historic Neighborhood Commercial Future Land Use designation, the Historic Medium Density Residential (HMDR) designation, the General Commercial Future Land Use designation, and Public Service (PS) Future Land Use designation. Though there are some institutional and commercial Future Land Use designations proximate or adjacent to the property, there is a significant portion of historic, permanent residential housing abutting the property.

Based upon this set of facts, and the need to identify a reasonable and prudent Future Land use designation for the property, together with the direction provided by the Zoning In Progress determination and options considered by the City Commission, Planning staff created a hybrid FLUM designation to best and fairly protect existing residential uses on site, and determine a policy position for LDRs which would protect surrounding land uses. This proposed FLUM designation is Historic Special Medium Density Residential (HSMDR). This hybrid approach is based on the special circumstances of the existing site development and surrounding uses.

The proposed policies when adopted will provide the direction for the creation of implementing LDR's. Until such time as the new LDRs for HSMDR are adopted and in place, the regulatory scheme of the Zoning In Progress will remain in force.

The proposed amendments are as follows:

Add to Goal 1-1 Land Use, Objective 1-1.6, Integrate Former Military Sites, the following new policy:

Policy 1-1.6.4: Peary Court Housing Complex Organizing Element. All new development and redevelopment within the Peary Court Housing Complex shall be consistent with the following key organizing elements:

1. Preserve the existing housing stock of 160 units for permanent multifamily residential purposes.
2. Maintain land use compatibility and sensitivity with the adjacent historic district.
3. Maintain land use compatibility and sensitivity with the adjacent military installation at Naval Air Station Key West Trumbo Point Annex.
4. Affordable housing shall be required for all existing residential, redeveloped residential and new residential development at a ratio of 30% of the total aggregate of the existing or redeveloped, and/or new units on the property.

Amend **Goal 1-2 Future Land Use Map**, by changing:

Map 1-1, Future Land Use Map Series: The City's Future Land Use Map (pg. 1-10). Remove the Military (M) Future Land Use designation applied to the property, and substitute the new Historic Special Medium Density (HSMDR) Future Land Use designation (Exhibit 1).

The Future Land Use Map Legend and Density and Intensity of Development (pg. 1-

11) shall be amended to include the Historic Medium Density (HSMDR) Future Land Use designation, and shall have a maximum nonresidential Floor Area Ratio of 1.0, and maximum residential density of 8.6 dwelling units per gross acre (Exhibit 2).

Map 1-4 of the Future Land Use Map Series (pg. 15) shall be amended to remove the “NAVY” designation on the parcel of property known as the Peary Court Housing Complex (RE# 00006730-000000) (Exhibit 3).

Map 1-6 of the Future Land Use Map Series (pg. 1-17) shall be amended to remove the “NAVY” designation on the parcel of property known as the Peary Court Housing Complex (RE# 00006730-000000) (Exhibit 4).

Amend Objective 1-2.3 Managing Old Town Redevelopment and Preservation of Historic Resources by adding the following policy:

Policy 1-2.3.11: Historic Special Medium Density Residential (HSMDR). The area delineated on the Future Land Use Map as Historic Special Medium Density Residential (HSMDR) is designed to accommodate the existing multifamily military housing complex at Peary Court at that time when the land and improvements are transferred to civilian ownership and City jurisdiction. The designation is intended to maintain land use compatibility with the adjacent historic district and military installation at Trumbo Point Annex. This designation is not intended to accommodate transient or commercial residential land use activities. The allowable residential density shall be a maximum of 8.6 units per acre. The maximum intensity of development shall not exceed a floor area ratio of 1.0 for all uses.

Upon Plan adoption, the land development regulations shall be amended to identify standards and processes to implement new Policy 1-1.6.4, to provide bulk and performance standards to implement the HSMDR designation, and to assure compliance with all other goals, objectives, and policies of the Comprehensive Plan.

Upon plan adoption, the Historic Preservation Planner shall have the discretion to review redevelopment and new development impacts for mass, scale, size, proportion, and screening to ensure compatibility with the existing community fabric. Upon plan adoption, the land development regulations shall be amended to include applicable review criteria for such historic architectural review standards.

Criteria for approving amendments to Comprehensive Plan Future Land Use Map. Section 90-555.

In evaluating proposed changes to the Comprehensive Plan Future Land Use Map, the City shall consider the following criteria:

- (I) Policy 1A-1.2.4: Land Use Compatibility Comprehensive Plan, including the adopted infrastructure, minimum levels of service standards and the concurrency management program.**

As demonstrated in the attached Data and Analysis report, the proposed

designation and policy set are supported by numerous existing Comprehensive Plan objectives and policies which direct the location, timing, density and intensity of development such that it minimizes impacts on surrounding residential and commercial districts and resources.

(2) *Conformance with requirements.* Whether the proposal is in conformance with all applicable requirements of the Code of Ordinances.

As demonstrated by the Data and Analysis and the Development Review Committee analysis the existing development is or will be consistent with all the appropriate Code sections when the LDRs are drafted and effectuated to guide development and re-development within this new district. The property owner is aware that any deficiencies in any building or site improvements must be compliant with Code (Building, Flood and Planning) at the time Certificates of Occupancy are issued upon transfer to private ownership, or by a date certain based upon a development order issued subsequent to adoption of LDRS to implement the new FLUM and Comprehensive Plan policies of HSMDR. Certificates of Occupancy are required throughout the City as a tracking method for residential and some commercial development, and to apply necessary licenses and fees for services rendered by the City. These C.O.'s are then re-issued when significant improvements totaling more than 50% of the appraised structure value are made. The fact that these units were in physical existence under the complete and autonomous authority of the US Navy does not relieve the City from the responsibility of issuing the C.O.'s. Finally, as discussed with the Balfour Beatty and US Navy representatives, when improvements are made to existing structures, and site improvements, the Building, Floodplain and Planning Codes applicable at the time of permit application will apply.

(3) *Changed conditions.* Whether, and the extent to which, land use and development conditions have changed since the effective date of the existing regulations, and whether such changes support or work against the proposed rezoning.

There has been one significant and paramount change from the time the development and use of the property initially occurred. That is the pending and imminent transfer of the property to private ownership, which requires a Future Land Use map designation, Comprehensive Plan policies and Land Development Regulations to regulate appropriate private use of property.

(4) *Land use compatibility.* Whether, and the extent to which, the proposal would result in any incompatible land uses, considering the type and location of uses involved.

The residential use of the property when limited in scope and density as proposed will be consistent with the surrounding single family and limited multi-family historic districts. The proposed density limitation of the policies of 8.6 units per acre is consistent with the surrounding historic residential districts. The policies provide direction to the formulation of LDRs such that any nonresidential

development will be limited in scope by prohibiting commercial or transient land use. These prohibitions on commercial and transient use were taken from the policies and regulations applicable to the HMDR zoning district because of the existence of such districts adjacent to the property in question, and because the concept of limiting commercial and transient development in such neighborhoods such as this one has withstood litigation in which the City has prevailed.

- (5) ***Adequate public facilities.*** Whether, and the extent to which, the proposal would result in demands on public facilities and services, exceeding the capacity of such facilities and services, existing or programmed, including transportation, water and wastewater services, solid waste disposal, drainage, recreation, education, emergency services, and similar necessary facilities and services. Rezoning does not constitute a concurrency determination, and the applicant will be required to obtain a concurrency determination pursuant to chapter 94.

The DRC analysis demonstrated that the existing development has been or will be accommodated by all the relevant public facilities and services named above. Any new development that may be proposed after adoption of the LDRs must demonstrate concurrency by analysis prior to any construction approval.

- (6) ***Natural environment.*** Whether, and to the extent to which, the proposal would result in adverse impacts on the natural environment, including consideration of wetlands protection, preservation of groundwater aquifer, wildlife habitats, and vegetative communities.

There are no significant natural resources on site, with the exception of a number of larger trees which will have enhanced protection due to the City's Tree ordinance becoming effective upon ownership transfer.

- (7) ***Economic effects.*** Whether, and the extent to which, the proposal would adversely affect the property values in the area or the general welfare.

The transfer of ownership and the implementation of the new LDRs and the Comprehensive Plan designation will have a significant and positive effect by increasing the assessed value subject to City, School and Special District and County taxation levies. If the property is regulated by the policies and LDRs which limit density and prevent transient and commercial uses, the effects on surrounding property values will be positive.

- (8) ***Orderly development.*** Whether the proposal would result in an orderly and compatible land use pattern. Any negative effects on such pattern shall be identified.

The development pattern has already been established by the construction of the existing units. As presently envisioned and with the lack of any new BPAS allocations anywhere in the city inclusive of the subject property, the existing development pattern will remain the same.

- (9) Public interest; enabling act.** Whether the proposal would be in conflict with the public interest, and whether it is in harmony with the purpose and interest of the land development regulations in this subpart B and the enabling legislation.

The designation of a FLUM designation which largely maintains the status quo, but supports and regulates the continuation of the existing development pattern, type and density, and prevents the use the of the property for transient rentals and commercial purposes is in harmony with the LDR intent by balancing the need to provide for a reasonable use of property and the protection of the property rights of surrounding land use districts. The proposed FLUM designation is consistent with F.S. 380.05, 380.0552 and F.S. 163.3184 in that the proposed FLUM and policy implements the Principles for Guiding Development, Florida Administrative Rule 28-36.003.

- (10) Other matters.** Other matters which the planning board and the city commission may deem appropriate.

There are no other matters that have been identified at this time.

Options / Advantages / Disadvantages:

Option 1. To approve adoption the proposed Future Land Use Map designation and implementing policies, recognizing that all other pertinent policies of the Comprehensive Plan apply equally and without exception.

- 1. Consistency with the City's Comprehensive Plan and Land Development Regulations:** Creating the new FLUM designation will allow the City to create a regulatory system, inclusive of land use policies and Land Development Regulations which carefully regulate the use of the land and is an action consistent with the City's Comprehensive Plan and Land Development Regulations.
- 2. Consistency with the City's Strategic Plan, Vision and Mission:** The proposal is consistent with the City's Strategic Plan, Vision, and Mission in that it creates opportunities for BPAS system net new residential development (160 existing units) plus an additional 48 affordable units compatible with existing neighborhoods.
- 3. Financial Impact:**

The proposed designation and policies will allow the creation of new taxable assessed property value needed by the City. The infrastructure and public service programs and system are already in place to support the development. As the development enters the non-federal system and regulation by the City, any new development, and existing development as required will pay service and utility fees and make improvements to the physical facilities as required. The intent of such an approach is that the impact of transferring these units to the private sector be at no cost to the public. The final methods,

processes and fees where appropriate will be developed with the new Land Development Regulation applied to the property.

Option 2. To not approve for transmittal the proposed FLUM and Comprehensive Plan Policies. If the Commission chose not adopt the FLUM and Policies, it would leave the Zoning in Progress designation in place and have the following effects:

1. Consistency with the City's Comprehensive Plan and Land Development Regulations:

Choosing to not approve the proposed FLUM would put the City in the position of not yet having a Future Land Use designation, require the Planning staff to create a new FLUM and policies consistent with City Commission direction, relying on the Zoning in Progress to tightly regulate development. Eventually, the property must have a FLUM designation, policies and an LDR because the existing "Military" FLUM is totally inappropriate and gives the City little latitude in regulating development.

2. Consistency with the City's Strategic Plan, Vision and Mission: Choosing to not adopt the FLUM and Policies will not provide the direction for integrating the existing housing into the fabric of the community quickly.

3. Financial Impact:

Not approving the FLUM and Policies, and the ensuing delay in identifying a suitable land use designation could have a negative effect on the Monroe County Property appraiser's assigned values on the property, until such time as the Appraiser fully understands the market limitations imposed by the delay and the yet remaining Zoning in Progress designation.

Recommendation:

The Planning Board and the Planning Department recommends the **approval of Option 1**, adopting the ordinance approving the FLUM designation of HSMR and the implementing Policies, together with direction to staff to develop the appropriate Land development Regulations to implement the Comprehensive Plan policies.

**PLANNING BOARD
RESOLUTION NO. 2012-16**

A RESOLUTION OF THE KEY WEST PLANNING BOARD RECOMMENDING APPROVAL OF AN ORDINANCE OF THE CITY OF KEY WEST, FLORIDA PROPOSING AMENDMENTS TO THE FUTURE LAND USE ELEMENT AND FUTURE LAND USE MAP SERIES OF THE CITY OF KEY WEST COMPREHENSIVE PLAN FOR PROPERTY KNOWN AS THE PEARY COURT HOUSING COMPLEX (RE# 00006730-000000, ALTERNATE KEY# 1006963); AMENDING THE FUTURE LAND USE MAP LEGEND AND DENSITY AND INTENSITY OF DEVELOPMENT, AMENDING MAP 1-1, MAP 1-4, AND MAP 1-6 OF THE FUTURE LAND USE MAP SERIES; CREATING POLICY 1-1.6.4; AND POLICY 1-2.3.11 TO PROVIDE FOR THE INTEGRATION OF THE MILITARY SITE INTO THE COMMUNITY; AND TO DEFINE A NEW FUTURE LAND USE MAP DESIGNATION OF "HISTORIC SPECIAL MEDIUM DENSITY RESIDENTIAL" (HSMDR) AND APPLYING SUCH DESIGNATION TO SAID PROPERTY; PROVIDING FOR SEVERABILITY; PROVIDING FOR THE REPEAL OF INCONSISTENT PROVISIONS; PROVIDING FOR TRANSMITTAL TO THE STATE LAND PLANNING AGENCY; PROVIDING FOR THE FILING WITH THE SECRETARY OF STATE AND FOR AN EFFECTIVE DATE; AND PROVIDING FOR THE INCLUSION IN THE CITY OF KEY WEST COMPREHENSIVE PLAN.

WHEREAS, the Planning Department initiated the proposed amendments to the Future Land Use Element of the Comprehensive Plan as a result an application for such changes by Balfour -Beatty, Southeast Housing, LLC representing the owner of lands owned by the United States Navy; and

WHEREAS, the City of Key West was informed on or around April 6, 2011 that the United States Navy, with its concessional housing partner, Southeast Housing, LLC, would be

pursuing the sale of the property known as Peary Court (RE# 00006730-000000), and all of the structures on it, to a private entity; and

WHEREAS, the Peary Court property is located within the City's Military (M) Future Land Use designation and zoning district; and

WHEREAS, Policy 1-2.6.2 of the Comprehensive Plan does not specify regulatory land use controls for lands that fall under the Military (M) Future Land Use designation but simply recognizes federal preemption of local land use controls; and

WHEREAS, should the ownership change from a military entity to civilian entity, the federal preemption from land use controls no longer provides sufficient and necessary guidance and regulations to accommodate the existing housing and mixed use development on the property; and

WHEREAS, in order to allow staff to develop and analyze necessary and appropriate Future Land Use and zoning amendments, the City Commission approved Resolution 11-325 on November 15, 2011, invoking the Zoning in Progress Doctrine for the Peary Court property; and

WHEREAS, City Commission Resolution 11-325 provided an interim Future Land Use and zoning designation of Planned Redevelopment District (PRD), as well as direction to City staff to consider the following Future Land Use designation changes: Planned Redevelopment

District (PRD), Historic Planned Redevelopment District (HPRD), Medium Density Residential (MDR), Historic Medium Density Residential (HMDR), or a hybrid of these designations, as the most appropriate and consistent with the unique site characteristics of the property; and

WHEREAS, staff has analyzed the existing site characteristics and the relationship of the property to immediately surrounding development and neighborhoods, and the potential function of the existing housing with the community as a whole in order to determine a Future Land Use Designation consistent with the criteria for approving amendments to the Comprehensive Plan Future Land Use Map, pursuant to Section 90-555 of the Land Development Regulations; and

WHEREAS, based on staff analysis, a hybrid Future Land Use designation of Historic Medium Density Residential (HMDR) and Planned Redevelopment District (PRD) to be called the Historic Special Medium Density Residential (HSMDR) district will be the most compatible designation with the existing site characteristics at Peary Court, protects surrounding adjacent established land uses, and promotes consistency with the Comprehensive Plan, conformance with applicable ordinances, changed conditions, land use compatibility, adequate public facilities, the natural environment, economic effects, orderly development, the public interest, and other matters applicable; and

WHEREAS, the proposed amendment is internally consistent with the City of Key West Comprehensive Plan; and by supporting the goals, objectives, and policies of the plan; and

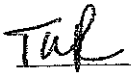

WHEREAS, the proposed amendment is consistent with the Principles of Guiding Development for the City of Key West, Rule 28-36.003, Florida Administrative Code (F.A.C.); and

WHEREAS, at a regularly scheduled meeting held on the 19th day of April, 2012, the Planning Board of the City of Key West held a public hearing for the purpose of considering the transmittal to the State Land Planning Agency, for review and comment, a proposed amendment to the City of Key West Comprehensive Plan, as specified in Section 1 below; and

WHEREAS, the Planning Board determined that the proposed amendments are: consistent with the Comprehensive Plan; in conformance with all applicable requirements of the Code of Ordinances;

WHEREAS, the Planning Board makes the following findings of fact and conclusions of law:

1. The proposed amendment is internally consistent with the City of Key West Comprehensive Plan.
2. The proposed amendment is consistent with the Principles for Guiding Development for the City of Key West, Rule 28-36.003, Florida Administrative Code.
3. The proposed amendments meet the criteria for amending the Comprehensive Plan Future land Use Map contained in section 90-555 of the City of Key West Code of Ordinances.

 Vice-Chairman
 Planning Director

4. The proposed amendments provide sufficient and timely policy direction to the City Planning Department to draft Land Development Regulations to implement the proposed amendments to the Comprehensive Plan and Future Land Use Map based upon the facts established in the Data and Analysis Report.
5. The proposed amendments protect the property rights of both the subject property owners and those of surrounding potentially affected property owners.
6. The proposed amendments are consistent with the requirements of Florida Statutes 163.3184
7. The City of Key West Planning Board is the Local Planning Agency defined by Florida Statutes 163.3174 charged with recommending changes to the Key West City Commission regarding changes to its Comprehensive Plan.
8. That all other provisions of the City Comprehensive Plan, not enumerated in the proposed amendments apply equally, without exception and specifically to the property subject to the amendments, and identified in the Data and Analysis report and application for change.
9. That the comments, presentations and representations of the existing property owners and their agents were considered and evaluated by the staff and the Planning Board.
10. That comments and presentations of citizens made either orally at the hearing or in writing were considered by the Planning Board.
11. That the reports, testimony and presentations by City staff represents

substantial and competent evidence.

NOW THEREFORE BE IT RESOLVED by the Planning Board of the City of Key West, Florida:

Section 1. That the above recitals are incorporated by reference as if fully set forth herein.

Section 2. Amending the Future Land Use Element And Future Land Use Map Series Of The City Of Key West Comprehensive Plan for property known as the Peary Court Housing complex (RE# 00006730-000000, Alternate Key # 1006963); Amending the Future Land Use Map Legend and Density and Intensity of Development, Amending Map 1-1, Map 1-4, and Map 1-6 of the Future Land Use Map Series; Creating Policy 1-1.6.4; And Policy 1-2.3.11 To provide for the integration of the Military Site into the Community; and to define a new Future Land Use Map Designation of "Historic Special Medium Density Residential" (HSMDR) and applying such designation to said Property is hereby recommended for **Approval**; a copy of the recommended modifications to the City of Key West Comprehensive Plan is attached.

Section 3. This resolution shall go into effect immediately upon its passage and adoption and authentication by the signatures of the presiding officer and the Clerk of the Commission.

Read and passed on first reading at a regular meeting held this 19th day of April 2012.

 Vice-Chairman
 Planning Director

Authenticated by the Vice-Chairman of the Planning Board and the Planning Director.

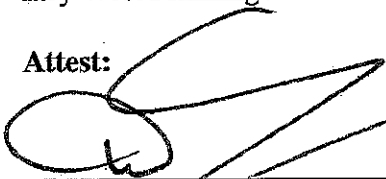


Timothy Root, Vice-Chairman
Key West Planning Board

4/23/12

Date

Attest:

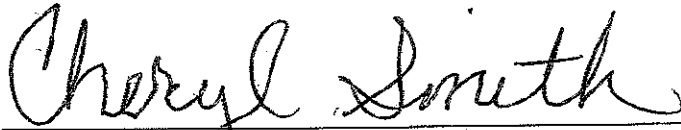


Donald Leland Craig, AICP
Planning Director

4.20.12

Date



Filed with the Clerk:



Cheryl Smith, City Clerk

4-23-12

Date

 Vice-Chairman
 Planning Director



**THE CITY OF KEY WEST
PLANNING BOARD
Staff Report**

To: Chairman and Planning Board Members

From: Donald Leland Craig, AICP, Planning Director

Meeting Date: April 19, 2012

Agenda Item: **Comprehensive Plan Amendment** - Consideration of an ordinance of the City of Key West, Florida, proposing amendments to the Future Land Use Element and Future Land Use Map series of the City of Key West Comprehensive Plan for property known as the Peary Court Housing Complex (RE# 00006730-000000, Alternate Key# 1006939); amending the Future Land Use Map Legend and Density and Intensity of Development, amending Map 1-1, Map 1-4, and Map 1-6 of the Future Land Use Map series; creating Policy 1-1.6.4; and Policy 1-2.3.11 to provide for the integration of the military site into the community; and to define a new Future Land Use Map designation of "Historic Special Medium Density Residential" (HSMDR) and applying such designation to said property; providing for severability; providing for the repeal of inconsistent provisions providing for transmittal to the State Land Planning Agency; providing for the filing with the Secretary of State and for an effective date; and providing for the inclusion into the City of Key West Comprehensive Plan.

Location: Peary Court Housing Complex (RE# 00006730-000000, Alternate Key# 1006939)

Background: On April 6, 2011, the City was notified that the United States Navy, with its concessional housing partner, Southeast Housing, LLC, would be pursuing the sale of the property known as the Peary Court Housing Complex (RE# 00006730-000000), and all of the structures on it, to a private entity. The property is located within a Military (M) Future Land Use designation and corresponding zoning district. As such, should the property be sold to a non-military entity, the Future Land Use Element and Future Land Use Map of the City of Key West Comprehensive Plan must be amended, and subsequent amendments to the City's Land Development Regulations would be required to update the zoning district and the City's Official Zoning Map. In order to amend the Future Land Use Element and Future Land Use Map, the following information was reviewed and analyzed:

- Information regarding the consistency of the proposed land use amendments with the future land use element goals, objectives and policies, and those of other affected elements
- Impacts on Hurricane Evacuation; Planning and the BPAS;
- A description of availability of and the demand on sanitary sewer, solid waste, drainage, potable water and water supply, traffic circulation, and recreation, as appropriate;
- Tenant Rental Types and Rental Ranges in Relation to Affordable Housing;
- Construction Code/Federal Emergency Management Agency (FEMA) Flood Elevation Compliance; and
- Review of Archaeologically Sensitive Areas on the Site.

Please see attached Data, Inventory and Analysis Report which addresses these items and the direction provided by supporting Comprehensive Plan Objectives and Policies. (Attachment 1)

Background and Existing Site Characteristics

The Peary Court Housing Complex consists of approximately 24.26 acres, and began phased construction in 1993. The total number of residences recognized on the property is 160; however, only 157 units are currently in existence on the property today. At the time of construction, the residences fulfilled military housing needs. However, over time, the tenant type was broadened to include public sector civilians.

The property is located adjacent to the following future land use designations: Military (M) designation at Trumbo Point Annex, the Historic Neighborhood Commercial Future Land Use designation, the Historic Medium Density Residential (HMDR) designation, the General Commercial Future Land Use designation, and Public Service (PS) Future Land Use designation. Though there are some institutional and commercial Future Land Use designations proximate or adjacent to the property, there is a significant portion of historic, permanent residential housing abutting the property.

Based upon this set of facts, and the need to identify a reasonable and prudent Future Land use designation for the property as it was excecuted from US Navy ownership, together with the direction provided by the Zoning In Progress determination and options considered by the City Commission, Planning staff created a hybrid FLUM designation to best and fairly protect existing residential uses on site, and determine a policy position for LDRs which would protect surrounding land uses. This proposed FLUM designation is Historic Special Medium Density Residential (HSMDR). This hybrid approach was necessitated because of the special circumstances of the existing site development and the lack of previous land development regulations tailored for the property with a history of successful implementation.

The proposed following policies when adopted will provide the direction for the creation of implementing LDRS to allow the future redevelopment of the site and protect neighboring districts and other vital City wide interests and resources. Until such time as the new LDRs for HSMDR are adopted and in place, the regulatory scheme of the Zoning

In Progress will remain in force. That set of administrative directions to the property owner, whomever that may be, and the city staff is to allow the maintenance and replacement (if destroyed by accident or Act of God) of the existing residential and commercial structures in kind, type, density and intensity, but with no ability to prosecute applications for development agreements, variances, exception, development plans or conditional uses.

Add to Goal 1-1 Land Use, Objective 1-1.6, Integrate Former Military Sites, the following new policy:

Policy 1-1.6.4: Peary Court Housing Complex Organizing Element. All new development and redevelopment within the Peary Court Housing Complex shall be consistent with the following key organizing elements:

1. Preserve the existing housing stock of 160 units for permanent multifamily residential purposes.
2. Maintain land use compatibility and sensitivity with the adjacent historic district.
3. Maintain land use compatibility and sensitivity with the adjacent military installation at Naval Air Station Key West Trumbo Point Annex.
4. Recognize that a portion of the existing housing on the property contributes to the affordable housing stock of the community due to its availability to non-military citizens and its rental rate structure, and to maintain such affordability for a reasonable portion of those units.

Amend Goal 1-2 Future Land Use Map, by changing:

Map 1-1, Future Land Use Map Series: The City's Future Land Use Map (pg. 1-10). Remove the Military (M) Future Land Use designation applied to the property, and substitute the new Historic Special Medium Density (HSMDR) Future Land Use designation (Exhibit 1).

The Future Land Use Map Legend and Density and Intensity of Development (pg. 1-11) shall be amended to include the Historic Medium Density (HSMDR) Future Land Use designation, and shall have a maximum nonresidential Floor Area Ratio of 1.0, and maximum residential density of eight (8) dwelling units per gross acre (Exhibit 2).

Map 1-4 of the Future Land Use Map Series (pg. 15) shall be amended to remove the "NAVY" designation on the parcel of property known as the Peary Court Housing Complex (RE# 00006730-000000) (Exhibit 3).

Map 1-6 of the Future Land Use Map Series (pg. 1-17) shall be amended to remove the "NAVY" designation on the parcel of property known as the Peary Court Housing Complex (RE# 00006730-000000) (Exhibit 4).

Amend Objective 1-2.3 Managing Old Town Redevelopment and Preservation of Historic Resources by adding the following policy:

Policy 1-2.3.11: Historic Special Medium Density Residential (HSMDR). The area delineated on the Future Land Use Map as Historic Special Medium Density Residential (HSMDR) is designed to accommodate the existing multifamily military housing complex at Peary Court at that time when the land and improvements are transferred to civilian ownership and City jurisdiction. The designation is intended to maintain land use compatibility with the adjacent historic district and military installation at Trumbo Point Annex. This designation is not intended to accommodate transient or commercial residential land use activities. The allowable residential density shall be a maximum of eight (8) units per acre. The maximum intensity of development shall not exceed a floor area ratio of 1.0 for all uses.

Upon Plan adoption, the land development regulations shall be amended to identify standards and processes to implement new Policy 1-1.6.4, to provide bulk and performance standards to implement the HSMDR designation, and to assure compliance with all other goals, objectives, and policies of the Comprehensive Plan.

Upon plan adoption, the Historic Preservation Planner shall have the discretion to review redevelopment and new development impacts for mass, scale, size, proportion, and screening to ensure compatibility with the existing community fabric. Upon plan adoption, the land development regulations shall be amended to include applicable review criteria for such historic architectural review standards.

To recommend to the City Commission the adoption of the HSMDR FLUM designation and its implementing policies, the Planning Board is required to review the following criteria in making its recommendation of approval or denial. Obviously if the Planning Board wishes to modify the proposed policies it is free to do so, but is mandated to also base any such direction using the criteria.

Sec. 90-555. Criteria for approving amendments to Comprehensive Plan Future Land Use Map.

In evaluating proposed changes to the Comprehensive Plan Future Land Use Map, the City shall consider the following criteria:

- (I) Policy 1A-1.2.4: Land Use Compatibility Comprehensive Plan, including the adopted infrastructure, minimum levels of service standards and the concurrency management program.**

As demonstrated in the attached Data and Analysis report, the proposed designation and policy set are supported by numerous existing Comprehensive

Plan objectives and policies which direct the location, timing, density and intensity of development such that it minimizes impacts on surrounding residential and commercial districts and resources.

(2) *Conformance with requirements.* Whether the proposal is in conformance with all applicable requirements of the Code of Ordinances.

As demonstrated by the Data and Analysis and the Development Review Committee analysis the existing development is or will be consistent with all the appropriate Code sections when the LDRs are drafted and effectuated which guide development within this new district. The property owner is aware that any deficiencies in any building or site improvement must be compliant with Code (Building, Flood and Planning) at the time Certificates of Occupancy are issued upon transfer to private ownership, or by a date certain based upon a development order issued subsequent to adoption of LDRS to implement the new FLUM and Comprehensive Plan policies of HSMR.

(3) *Changed conditions.* Whether, and the extent to which, land use and development conditions have changed since the effective date of the existing regulations, and whether such changes support or work against the proposed rezoning.

There has been one significant change from the time the development and use of the property initially occurred. That is the pending and imminent transfer of the property to private ownership, which requires a Future Land Use map designation, Comprehensive Plan policies and Land Development Regulations to regulate appropriate private use of property.

(4) *Land use compatibility.* Whether, and the extent to which, the proposal would result in any incompatible land uses, considering the type and location of uses involved.

The residential use of the property when limited in scope and density as proposed will be consistent with the surrounding single family and limited multi-family historic districts. The proposed density limitation of the policies of 8.0 units per acre is consistent with the surrounding historic residential districts. The policies provide direction to the formulation of LDRs such that any nonresidential development will be limited in scope by prohibiting commercial or transient land use.

(5) *Adequate public facilities.* Whether, and the extent to which, the proposal would result in demands on public facilities and services, exceeding the capacity of such facilities and services, existing or programmed, including transportation, water and wastewater services, solid waste disposal,

drainage, recreation, education, emergency services, and similar necessary facilities and services. Rezoning does not constitute a concurrency determination, and the applicant will be required to obtain a concurrency determination pursuant to chapter 94.

The DRC analysis demonstrated that the existing development has been or will be accommodated by all the relevant public facilities and services named above. Any new development that may be proposed after adoption of the LDRs must demonstrate concurrency by analysis prior to any construction approval.

- (6) *Natural environment.* Whether, and to the extent to which, the proposal would result in adverse impacts on the natural environment, including consideration of wetlands protection, preservation of groundwater aquifer, wildlife habitats, and vegetative communities.**

There are no significant natural resources on site, with the exception of a number of larger trees which will have enhanced protection due to the City's Tree ordinance becoming effective upon ownership transfer.

- (7) *Economic effects.* Whether, and the extent to which, the proposal would adversely affect the property values in the area or the general welfare.**

The transfer of ownership and the implementation of the new LDRs and Comprehensive Plan designation will have a significant and positive effect by increasing the assessed value subject to City, School and Special District and County taxation levies. If the property is regulated by the policies and LDRs which limit density and prevent transient and commercial uses, the effects on surrounding property values will be positive.

- (8) *Orderly development.* Whether the proposal would result in an orderly and compatible land use pattern. Any negative effects on such pattern shall be identified.**

The development pattern has already been established by the construction of the existing units. As presently envisioned and with the lack of any new BPAS allocations anywhere in the city inclusive of the subject property, the existing development pattern will remain the same.

- (9) *Public interest; enabling act.* Whether the proposal would be in conflict with the public interest, and whether it is in harmony with the purpose and interest of the land development regulations in this subpart B and the enabling legislation.**

The designation of a FLUM designation which largely maintains the status quo, but supports and regulates the continuation of the existing development pattern,

type and density, prevents the use the of the for transient rentals and commercial purposes is in harmony with the LDR intent by balancing the need to provide for a reasonable use of property and the protection of the property rights of surrounding land use districts. The proposed FLUM designation is consistent with F.S. 380.05, 380.0552 and F.S. 163 .3184 in that the proposed FLUM and policy implements the Principles for Guiding Development, see Attachment 2, Florida Administrative Rule 28-36 .003.

(10) Other matters. Other matters which the planning board and the city commission may deem appropriate.

There are no other matters which affect or require the FLUM and policy amendment.

PROCESS

After the Planning Board recommends adoption of the FLUM amendment and the Comprehensive Plan, the ordinance required to implement the changes will be required to be heard at two City Commission readings for adoption. The first hearing will be a "transmittal" hearing which allows the City to send the proposed changes to the Florida Division of Community Planning of the Department of Economic Opportunity (DEO), state, regional and local agencies for review and comment. These agencies then prepare their comments and transmit them to the City directly or through DEO. DEO has sixty days to prepare its comments and or objections and send them to the City. The City is required to hold a second hearing to formally adopt the Comprehensive Plan amendment within 180 days of receipt of the report from DEO., taking into account any comments. In addition because the City is in an Area of Critical State Concern, DEO is required to approve or deny the proposed FLUM and Comprehensive Plan Change within 60 days by the a rule making process established by Florida Administrative law.

RECOMMENDATION

The Planning Department recommends that the Planning Board **Approve** the attached resolution recommending that the City Commission adopt the ordinance approving the Comprehensive Plan and FLUM amendment.

**Draft
Resolution**

**PLANNING BOARD
RESOLUTION NO. 2012 - _____**

A RESOLUTION OF THE KEY WEST PLANNING BOARD RECOMMENDING APPROVAL OF AN ORDINANCE OF THE CITY OF KEY WEST, FLORIDA PROPOSING AMENDMENTS TO THE FUTURE LAND USE ELEMENT AND FUTURE LAND USE MAP SERIES OF THE CITY OF KEY WEST COMPREHENSIVE PLAN FOR PROPERTY KNOWN AS THE PEARY COURT HOUSING COMPLEX (RE# 00006730-000000, ALTERNATE KEY# 1006963); AMENDING THE FUTURE LAND USE MAP LEGEND AND DENSITY AND INTENSITY OF DEVELOPMENT, AMENDING MAP 1-1, MAP 1-4, AND MAP 1-6 OF THE FUTURE LAND USE MAP SERIES; CREATING POLICY 1-1.6.4; AND POLICY 1-2.3.11 TO PROVIDE FOR THE INTEGRATION OF THE MILITARY SITE INTO THE COMMUNITY; AND TO DEFINE A NEW FUTURE LAND USE MAP DESIGNATION OF "HISTORIC SPECIAL MEDIUM DENSITY RESIDENTIAL" (HSMDR) AND APPLYING SUCH DESIGNATION TO SAID PROPERTY; PROVIDING FOR SEVERABILITY; PROVIDING FOR THE REPEAL OF INCONSISTENT PROVISIONS; PROVIDING FOR TRANSMITTAL TO THE STATE LAND PLANNING AGENCY; PROVIDING FOR THE FILING WITH THE SECRETARY OF STATE AND FOR AN EFFECTIVE DATE; AND PROVIDING FOR THE INCLUSION IN THE CITY OF KEY WEST COMPREHENSIVE PLAN.

WHEREAS, the Planning Department initiated the proposed amendments to the Future Land Use Element of the Comprehensive Plan as a result an application for such changes by Balfour –Beatty, Southeast Housing, LLC representing the owner of lands owned by the United States Navy; and

WHEREAS, the City of Key West was informed on or around April 6, 2011 that the United States Navy, with its concessional housing partner, Southeast Housing, LLC, would be

pursuing the sale of the property known as Peary Court (RE# 00006730-000000), and all of the structures on it, to a private entity; and

WHEREAS, the Peary Court property is located within the City's Military (M) Future Land Use designation and zoning district; and

WHEREAS, Policy 1-2.6.2 of the Comprehensive Plan does not specify regulatory land use controls for lands that fall under the Military (M) Future Land Use designation but simply recognizes federal preemption of local land use controls; and

WHEREAS, should the ownership change from a military entity to civilian entity, the federal preemption from land use controls no longer provides sufficient and necessary guidance and regulations to accommodate the existing housing and mixed use development on the property; and

WHEREAS, in order to allow staff to develop and analyze necessary and appropriate Future Land Use and zoning amendments, the City Commission approved Resolution 11-325 on November 15, 2011, invoking the Zoning in Progress Doctrine for the Peary Court property; and

WHEREAS, City Commission Resolution 11-325 provided an interim Future Land Use and zoning designation of Planned Redevelopment District (PRD), as well as direction to City

staff to consider the following Future Land Use designation changes: Planned Redevelopment District (PRD), Historic Planned Redevelopment District (HPRD), Medium Density Residential (MDR), Historic Medium Density Residential (HMDR), or a hybrid of these designations, as the most appropriate and consistent with the unique site characteristics of the property; and

WHEREAS, staff has analyzed the existing site characteristics and the relationship of the property to immediately surrounding development and neighborhoods, and the potential function of the existing housing with the community as a whole in order to determine a Future Land Use Designation consistent with the criteria for approving amendments to the Comprehensive Plan Future Land Use Map, pursuant to Section 90-555 of the Land Development Regulations; and

WHEREAS, based on staff analysis, a hybrid Future Land Use designation of Historic Medium Density Residential (HMDR) and Planned Redevelopment District (PRD) to be called the Historic Special Medium Density Residential (HSMDR) district will be the most compatible designation with the existing site characteristics at Peary Court, protects surrounding adjacent established land uses, and promotes consistency with the Comprehensive Plan, conformance with applicable ordinances, changed conditions, land use compatibility, adequate public facilities, the natural environment, economic effects, orderly development, the public interest, and other matters applicable; and

WHEREAS, the proposed amendment is internally consistent with the City of Key West

Comprehensive Plan; and by supporting the goals, objectives, and policies of the plan; and

WHEREAS, the proposed amendment is consistent with the Principles of Guiding Development for the City of Key West, Rule 28-36.003, Florida Administrative Code (F.A.C.); and

WHEREAS, at a regularly scheduled meeting held on the 19th day of April, 2012, the Planning Board of the City of Key West held a public hearing for the purpose of considering the transmittal to the State Land Planning Agency, for review and comment, a proposed amendment to the City of Key West Comprehensive Plan, as specified in Section 1 below; and

WHEREAS, the Planning Board determined that the proposed amendments are: consistent with the Comprehensive Plan; in conformance with all applicable requirements of the Code of Ordinances;

WHEREAS, the Planning Board makes the following findings of fact and conclusions of law:

1. The proposed amendment is internally consistent with the City of Key West Comprehensive Plan.
2. The proposed amendment is consistent with the Principles for Guiding Development for the City of Key West, Rule 28-36.003, Florida Administrative Code.

3. The proposed amendments meet the criteria for amending the Comprehensive Plan Future land Use Map contained in section 90-555 of the City of Key West Code of Ordinances.
4. The proposed amendments provide sufficient and timely policy direction to the City Planning Department to draft Land Development Regulations to implement the proposed amendments to the Comprehensive Plan and Future Land Use Map based upon the facts established in the Data and Analysis Report.
5. The proposed amendments protect the property rights of both the subject property owners and those of surrounding potentially affected property owners.
6. The proposed amendments are consistent with the requirements of Florida Statutes 163.3184
7. The City of Key West Planning Board is the Local Planning Agency defined by Florida Statutes 163.3174 charged with recommending changes to the Key West City Commission regarding changes to its Comprehensive Plan.
8. That all other provisions of the City Comprehensive Plan, not enumerated in the proposed amendments apply equally, without exception and specifically to the property subject to the amendments, and identified in the Data and Analysis report and application for change.
9. That the comments, presentations and representations of the existing property owners and their agents were considered and evaluated by the staff and the

Planning Board.

10. That comments and presentations of citizens made either orally at the hearing or in writing were considered by the Planning Board.
11. That the reports, testimony and presentations by City staff represents substantial and competent evidence.

NOW THEREFORE BE IT RESOLVED by the Planning Board of the City of Key West, Florida:

Section 1. That the above recitals are incorporated by reference as if fully set forth herein.

Section 2. Amending the Future Land Use Element And Future Land Use Map Series Of The City Of Key West Comprehensive Plan for property known as the Peary Court Housing complex (RE# 00006730-000000, Alternate Key # 1006963); Amending the Future Land Use Map Legend and Density and Intensity of Development, Amending Map 1-1, Map 1-4, and Map 1-6 of the Future Land Use Map Series; Creating Policy 1-1.6.4; And Policy 1-2.3.11 To provide for the integration of the Military Site into the Community; and to define a new Future Land Use Map Designation of "Historic Special Medium Density Residential" (HSMDR) and applying such designation to said Property is hereby recommended for **Approval**; a copy of the recommended modifications to the City of Key West Comprehensive Plan is attached.

Section 3. This resolution shall go into effect immediately upon its passage and adoption and authentication by the signatures of the presiding officer and the Clerk of the Commission.

Read and passed on first reading at a regular meeting held this 19th day of April 2012.

Authenticated by the Chairman of the Planning Board and the Planning Director.

Richard Klitenick, Chairman
Key West Planning Board

Date

Attest:

Donald Leland Craig, AICP
Planning Director

Date

Filed with the Clerk:

Cheryl Smith, City Clerk

Date

Chairman

Planning Director

**Draft
Ordinance**

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF KEY WEST, FLORIDA, PROPOSING AMENDMENTS TO THE FUTURE LAND USE ELEMENT AND FUTURE LAND USE MAP SERIES OF THE CITY OF KEY WEST COMPREHENSIVE PLAN FOR PROPERTY KNOWN AS THE PEARY COURT HOUSING COMPLEX (RE# 00006730-000000, ALTERNATE KEY # 1006963); AMENDING THE FUTURE LAND USE MAP LEGEND AND DENSITY AND INTENSITY OF DEVELOPMENT, AMENDING MAP 1-1, MAP 1-4, AND MAP 1-6 OF THE FUTURE LAND USE MAP SERIES; CREATING POLICY 1-1.6.4; AND POLICY 1-2.3.11 TO PROVIDE FOR THE INTEGRATION OF THE MILITARY SITE INTO THE COMMUNITY; AND TO DEFINE A NEW FUTURE LAND USE MAP DESIGNATION OF "HISTORIC SPECIAL MEDIUM DENSITY RESIDENTIAL" (HSMR) AND APPLYING SUCH DESIGNATION TO SAID PROPERTY; PROVIDING FOR SEVERABILITY; PROVIDING FOR THE REPEAL OF INCONSISTENT PROVISIONS, PROVIDING FOR TRANSMITTAL TO THE STATE LAND PLANNING AGENCY; PROVIDING FOR THE FILING WITH THE SECRETARY OF STATE AND FOR AN EFFECTIVE DATE; AND PROVIDING FOR THE INCLUSION IN THE CITY OF KEY WEST COMPREHENSIVE PLAN.

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WHEREAS, the Peary Court property is located within the City's Military (M) Future Land Use designation and zoning district; and

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WHEREAS, should the ownership change from a military entity to civilian entity, the federal preemption from land use controls no longer provides sufficient and necessary guidance and regulations to accommodate the existing housing and mixed use development on the property; and

WHEREAS, in order to allow staff to develop and analyze necessary and appropriate Future Land Use and zoning amendments, the City Commission approved Resolution 11-325 on November 15, 2011, invoking the Zoning in Progress Doctrine for the Peary Court property; and

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WHEREAS, staff has analyzed the existing site characteristics and the relationship of the property to immediately surrounding development and neighborhoods, and the potential function of

the existing housing with the community as a whole in order to determine a Future Land Use Designation consistent with the criteria for approving amendments to the Comprehensive Plan Future Land Use Map, pursuant to Section 90-555 of the Land Development Regulations; and

WHEREAS, based on staff analysis, a hybrid Future Land Use designation of Historic Medium Density Residential (HMDR) and Planned Redevelopment District (PRD) to be called the Historic Special Medium Density Residential (HSMDR) district will be the most compatible designation with the existing site characteristics at Peary Court, protects surrounding adjacent established land uses, and promotes consistency with the Comprehensive Plan, conformance with applicable ordinances, changed conditions, land use compatibility, adequate public facilities, the natural environment, economic effects, orderly development, the public interest, and other matters applicable; and

WHEREAS, the proposed amendment is internally consistent with the City of Key West Comprehensive Plan; and by supporting the goals, objectives, and policies of the plan; and

WHEREAS, the proposed amendment is consistent with the Principles of Guiding Development for the City of Key West, Rule 28-36.003, Florida Administrative Code (F.A.C.).

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF KEY WEST, FLORIDA:

Section 1: The City of Key West Comprehensive Plan Goals, Objectives, and Policies shall be amended as follows: (Deletions are ~~stricken through~~ and additions are underlined.)

Add to Goal 1-1 Land Use, Objective 1-1.6, Integrate Former Military Sites, the following new policy:

Policy 1-1.6.4: Peary Court Housing Complex Organizing Element. All new development and redevelopment within the Peary Court Housing Complex shall be consistent with the following key organizing elements:

1. Preserve the existing housing stock of 160 units for permanent multifamily residential purposes.
2. Maintain land use compatibility and sensitivity with the adjacent historic district.
3. Maintain land use compatibility and sensitivity with the adjacent military installation at Naval Air Station Key West Trumbo Point Annex.
4. Recognize that a portion of the existing housing on the property contributes to the affordable housing stock of the community due to its availability to non-military citizens and its rental rate structure, and to maintain such affordability for a reasonable portion of those units.

Amend Goal 1-2 Future Land Use Map, by changing:

Map 1-1, Future Land Use Map Series: The City's Future Land Use Map (pg. 1-10). Remove the Military (M) Future Land Use designation applied to the property, and substitute the new Historic

Special Medium Density (HSMDR) Future Land Use designation (Exhibit 1).

The Future Land Use Map Legend and Density and Intensity of Development (pg. 1-11) shall be amended to include the Historic Medium Density (HSMDR) Future Land Use designation, and shall have a maximum nonresidential Floor Area Ratio of 1.0, and maximum residential density of eight (8) dwelling units per gross acre (Exhibit 2).

Map 1-4 of the Future Land Use Map Series (pg. 15) shall be amended to remove the "NAVY" designation on the parcel of property known as the Peary Court Housing Complex (RE# 00006730-000000) (Exhibit 3).

Map 1-6 of the Future Land Use Map Series (pg. 1-17) shall be amended to remove the "NAVY" designation on the parcel of property known as the Peary Court Housing Complex (RE# 00006730-000000) (Exhibit 4).

Amend Objective 1-2.3 Managing Old Town Redevelopment and Preservation of Historic Resources by adding the following policy:

Policy 1-2.3.11: Historic Special Medium Density Residential (HSMDR). The area delineated on the Future Land Use Map as Historic Special Medium Density Residential (HSMDR) is designed to accommodate the existing multifamily military housing complex at Peary Court at that time when the land and improvements are transferred to civilian ownership and City jurisdiction. The designation is intended to maintain land use compatibility with the adjacent historic district and military installation at Trumbo Point Annex. This designation is not intended to accommodate transient or commercial residential land use activities. The allowable residential density shall be a

maximum of eight (8) units per acre. The maximum intensity of development shall not exceed a floor area ratio of 1.0 for all uses.

Upon Plan adoption, the land development regulations shall be amended to identify standards and processes to implement new Policy 1-1.6.4, to provide bulk and performance standards to implement the HSMR designation, and to assure compliance with all other goals, objectives, and policies of the Comprehensive Plan.

Upon plan adoption, the Historic Preservation Planner shall have the discretion to review redevelopment and new development impacts for mass, scale, size, proportion, and screening to ensure compatibility with the existing community fabric. Upon plan adoption, the land development regulations shall be amended to include applicable review criteria for such historic architectural review standards.

Section 2: If any section, provision, clause, phrase, or application of this Ordinance is held invalid or unconstitutional for any reason by any court of competent jurisdiction, the remaining provisions of this Ordinance shall be deemed severable there from and shall be construed as reasonable and necessary to achieve the lawful purposes of this Ordinance.

Section 3: All Ordinances or parts of Ordinances of said City in conflict with the provisions of this Ordinance are hereby superseded to the extent of such conflict.

Section 4: This Ordinance shall be transmitted by the Director of the Planning Department to the State Land Planning Agency pursuant to Chapter 163 and 380, (F.S.).

Section 5: This ordinance shall be filed in the Office of the Secretary of the State of Florida but shall not become effective until a notice is issued by the State Land Planning Agency or Administration Commission finding the amendment is in compliance with Chapter 163, (F.S.), and after any applicable appeal periods have expired.

Section 6: The numbering of the forgoing amendment may be renumbered to conform to the numbering of the City of Key West Comprehensive Plan and shall be incorporated in the City of

Key West Comprehensive Plan.

Read and passed on first reading at a regular meeting held this ____ day of ____, 2012.

Read and passed on final reading at a regular meeting held this ____ day of ____, 2012.

Authenticated by the presiding officer and Clerk of the Commission on ____ day of ____, 2012.

Filed with the Clerk ____, 2012.

CRAIG CATES, MAYOR

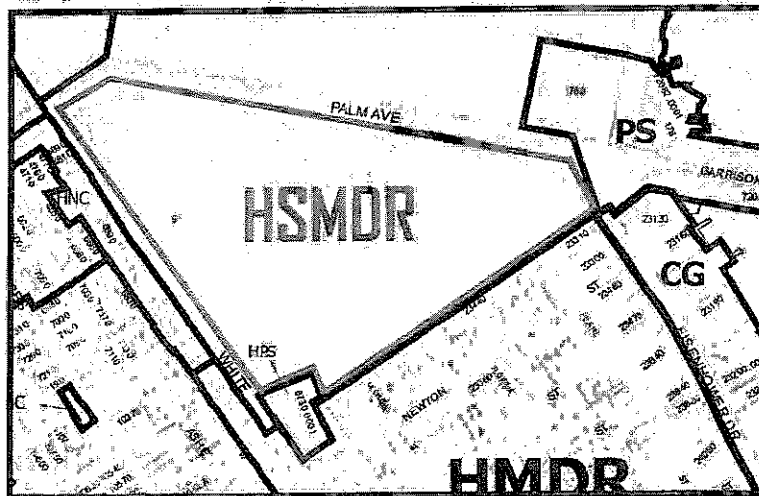
ATTEST:

CHERYL SMITH, CITY CLERK

NOTICE OF PUBLIC HEARING ON PROPOSED ORDINANCE

The Planning Board of the City of Key West, Florida, will consider the following ordinance for recommendation to the City Commission at a meeting and public hearing to be held at 6:00 p.m., or as soon thereafter as the matter may be heard, Thursday, April 19, 2012, in Commission Chambers, Old City Hall, 510 Greene Street, Key West, Florida.

COMPREHENSIVE PLAN AMENDMENT - CONSIDERATION OF AN ORDINANCE OF THE CITY OF KEY WEST, FLORIDA, PROPOSING AMENDMENTS TO THE FUTURE LAND USE ELEMENT AND FUTURE LAND USE MAP SERIES OF THE CITY OF KEY WEST COMPREHENSIVE PLAN FOR PROPERTY KNOWN AS THE PEARY COURT HOUSING COMPLEX (RE# 00006730-000000, ALTERNATE KEY# 1006939); AMENDING THE FUTURE LAND USE MAP LEGEND AND DENSITY AND INTENSITY OF DEVELOPMENT, AMENDING MAP 1-1, MAP 1-4, AND MAP 1-6 OF THE FUTURE LAND USE MAP SERIES; CREATING POLICY 1-1.6.4; AND POLICY 1-2.3.11 TO PROVIDE FOR THE INTEGRATION OF THE MILITARY SITE INTO THE COMMUNITY; AND TO DEFINE A NEW FUTURE LAND USE MAP DESIGNATION OF "HISTORIC SPECIAL MEDIUM DENSITY RESIDENTIAL" (HSMDR) AND APPLYING SUCH DESIGNATION TO SAID PROPERTY; PROVIDING FOR SEVERABILITY; PROVIDING FOR THE REPEAL OF INCONSISTENT PROVISIONS PROVIDING FOR TRANSMITTAL TO THE STATE LAND PLANNING AGENCY; PROVIDING FOR THE FILING WITH THE SECRETARY OF STATE AND FOR AN EFFECTIVE DATE; AND PROVIDING FOR THE INCLUSION INTO THE CITY OF KEY WEST COMPREHENSIVE PLAN.



ADA Assistance: It is the policy of the City of Key West to comply with all requirements of the Americans with Disabilities Act (ADA). Please call the TTY number at 305-809-1000 or the ADA Coordinator at 305-809-3951 at least five business days in advance for sign language interpreters, assistive listening devices, or materials in accessible format.



Donald Leland Craig, AICP
Planning Director

City of Key West Acct# 000173
Publish: Sunday, April 8, 2012
P.O. #70087

Public Meeting Notice

The Key West Planning Board will hold a public hearing at 6:00 p.m., April 19, 2012 at Old City Hall, 510 Greene Street, Key West, Florida, (Behind Sloppy Joe's Bar). The purpose of the hearing will be to consider a request for:

Comprehensive Plan Amendment - Consideration of an ordinance of the City of Key West, Florida, proposing amendments to the Future Land Use Element and Future Land Use Map series of the City of Key West Comprehensive Plan for property known as the Peary Court Housing Complex (RE# 00006730-000000, Alternate Key# 1006939); amending the Future Land Use Map Legend and Density and Intensity of Development, amending Map 1-1, Map 1-4, and Map 1-6 of the Future Land Use Map series; creating Policy 1-1.6.4; and Policy 1-2.3.11 to provide for the integration of the military site into the community; and to define a new Future Land Use Map designation of "Historic Special Medium Density Residential" (HSMDR) and applying such designation to said property; providing for severability; providing for the repeal of inconsistent provisions providing for transmittal to the State Land Planning Agency; providing for the filing with the Secretary of State and for an effective date; and providing for the inclusion into the City of Key West Comprehensive Plan.

If you wish to see the application or have any questions, you may visit the Planning Department during regular office hours at 3140 Flagler Avenue call 809-3720 or visit our website at www.keywestcity.com.

YOU ARE WITHIN 300 FEET OF THE SUBJECT PROPERTY

The City of Key West Planning Board will be holding a Public Hearing:

Comprehensive Plan Amendment - Consideration of an ordinance of the City of Key West, Florida, proposing amendments to the Future Land Use Element and Future Land Use Map series of the City of Key West Comprehensive Plan for property known as the Peary Court Housing Complex (RE# 00006730-000000, Alternate Key# 1006939); amending the Future Land Use Map Legend and Density and Intensity of Development, amending Map 1-1, Map 1-4, and Map 1-6 of the Future Land Use Map series; creating Policy 1-1.6.4; and Policy 1-2.3.11 to provide for the integration of the military site into the community; and to define a new Future Land Use Map designation of "Historic Special Medium Density Residential" (HSMDR) and applying such designation to said property; providing for severability; providing for the repeal of inconsistent provisions providing for transmittal to the State Land Planning Agency; providing for the filing with the Secretary of State and for an effective date; and providing for the inclusion into the City of Key West Comprehensive Plan.

Project Location: Peary Court Housing Complex **Date of Hearing:** Thursday, April 19, 2012
Time of Hearing: 6:00 PM **Location of Hearing:** Old City Hall, 510 Greene, City Commission Chambers

Interested parties may appear at the public hearing(s) and be heard with respect to the applications. Packets can be viewed online at www.keywestcity.com. Click on City Board & Committee Agendas. A copy of the corresponding application is available from the City of Key West Planning Department located at 3140 Flagler Avenue, Key West, Florida, Monday through Friday between the hours of 8:00 am and 5:00 pm.

Please provide written comments to the Planning Department, PO Box 1409, Key West, FL 33041-1409, by FAX (305) 809-3978 or by email to Carlene Smith at cesmith@keywestcity.com.

Pursuant to Section 286.0105, Florida Statutes, if a person decides to appeal any decision made by the Planning Commission or the City Commission with respect to any matter considered at such hearing or meeting, one will need a record of the proceedings and for such purpose that person may need to ensure that a verbatim record of the proceedings is made; such record includes the testimony and evidence upon which the appeal is to be based.

ADA Assistance: It is the policy of the City of Key West to comply with all requirements of the Americans with Disabilities Act (ADA). Please call the TTY number at 305-809-1000 or the ADA Coordinator at 305-809-3951 at least five business days in advance for sign language interpreters, assistive listening devices, or materials in accessible format.

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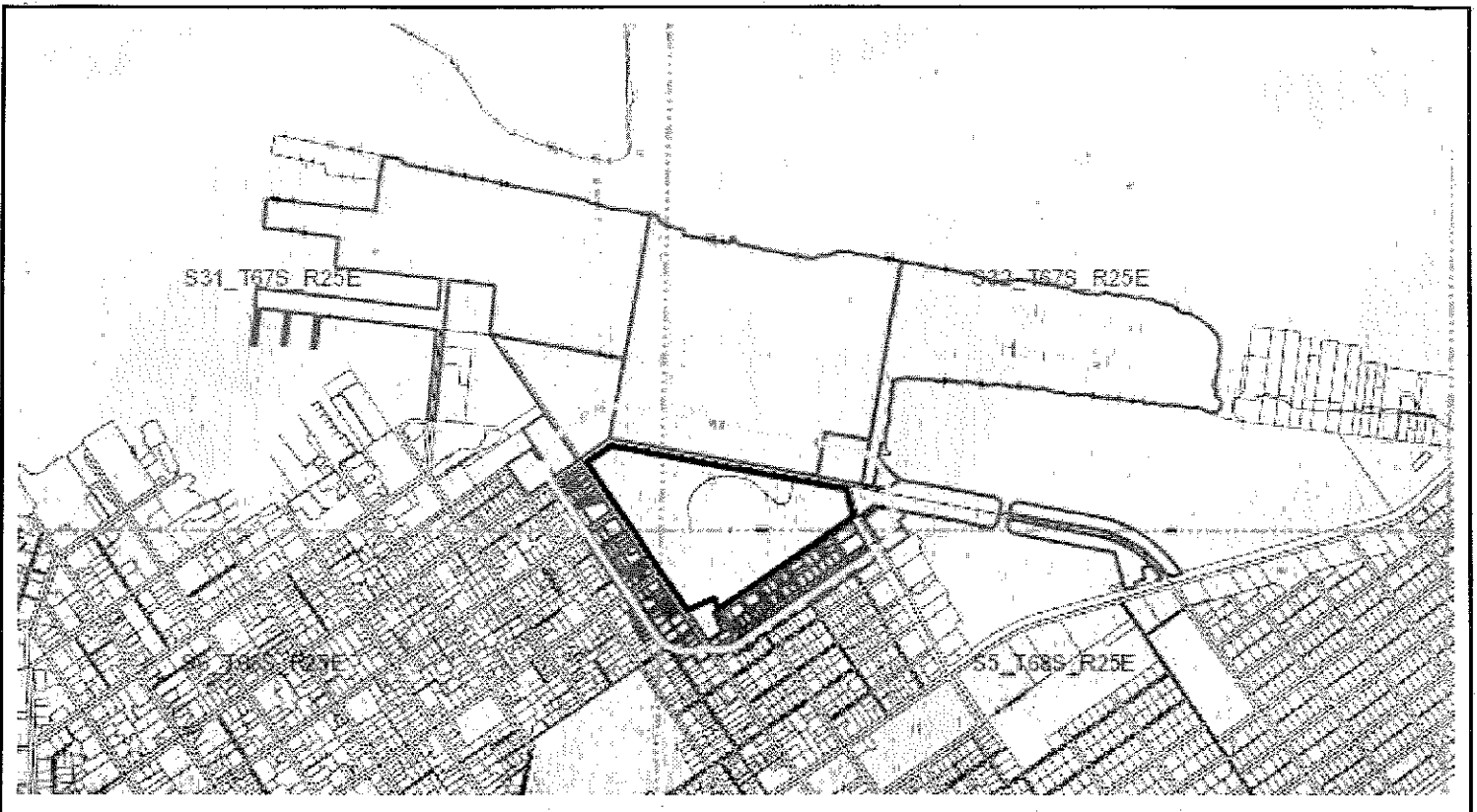
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Peary Court

MCPA GIS Public Portal

Printed: Apr 05, 2012

DISCLAIMER: The Monroe County Property Appraiser's office maintains data on property within the County solely for the purpose of fulfilling its responsibility to secure a just valuation for ad valorem tax purposes of all property within the County. The Monroe County Property Appraiser's office cannot guarantee its accuracy for any other purpose. Likewise, data provided regarding one tax year may not be applicable in prior or subsequent years. By requesting such data, you hereby understand and agree that the data is intended for ad valorem tax purposes only and should not be relied on for any other purpose.



NAME	ADDRESS	UNIT	CITY	STATE	ZIP	COUNTRY
1 KENDRICK MELISSA	P O BOX 6391		KEY WEST	FL	33041	
2 TORRES REAL ESTATE LLC	1118 FLEMING ST		KEY WEST	FL	33040	
3 LUONGO EILEEN	8300 SW 44 CT		DAVIE	FL	33328	
4 BURD RONALD P AND JOYCE W	710 HARVARD RD		BALA CYNWYD	PA	19004	
5 TORRES ORLANDO FRANCISCO	1112 CURRY LN		KEY WEST	FL	33040	
6 ENDERBY RALPH T	257 NW 87TH TERR		CORAL SPRINGS	FL	33071	
7 HILDENBOROUGH HOTELS LIMITED INC	1129 FLEMING ST		KEY WEST	FL	33040	
8 COGGINS ARLEEN	605 2ND AVE		MARMORA	NJ	08223	
9 BAUER ANDREA W	1400 NEWTON ST		KEY WEST	FL	33040	
10 610 WHITE STREET LLC	1015 FLAGLER AVE		KEY WEST	FL	33040	
11 VON SEGGERN CHRISTINA	1075 DUVAL ST	STE C21	KEY WEST	FL	33040	
12 RODRIGUEZ JOY DECLARATION OF TRUST 10/6/2011	1113 STUMP LN		KEY WEST	FL	33040	
13 SCHETTIG ROBERT C AND CELESTE M	609 FRANCES ST		KEY WEST	FL	33040	
14 MCCLURE JACQUELYN R	1509 CONSTASO CT		SAN JOSE	CA	95129	
15 ADAMS MARTHA L	PO BOX 4122		KEY WEST	FL	33041	
16 SIEMON DOUGLAS	P O BOX 420228		SUMMERLAND KIFL	33042		
17 KNOWLES ELLA MAE L/E	1112 EATON ST		KEY WEST	FL	33040	
18 DAWKINS STEPHEN P AND JANE HAILE JOINT REV TR	1212 ANGELA ST		KEY WEST	FL	33040	
19 ATKYNS SUZANNE J	416 WHITE ST		KEY WEST	FL	33040	
20 RUDOLPHI ROSEANNE	14 WALNUT DR		SHOREHAM	NY	11786	
21 KERRY ALECIA JUNE	540 WHITE ST		KEY WEST	FL	33040	
22 ISLAND TRANQUILITY INC	711 EISENHOWER DR		KEY WEST	FL	33040	
23 HOLMES RONALD	7953 FORD RIDGE RD		NINEVEH	IN	46164	
24 LYNCH BEVERLY J	1410 NEWTON ST		KEY WEST	FL	33040	
25 LANE WILLIAM T	1122 ANGELA ST		KEY WEST	FL	33040	
26 GINGRAS GARY E	203 LOUDON RD	APT 122	CONCORD	NH	03301	
27 MAC DONALD STEPHEN	75 OLD CLOVE RD		HIGH FALLS	NY	12440	
28 FELDMAN DONNA	1418 ANGELA ST		KEY WEST	FL	33040	
29 BETHEL DALBERT D	1407 NEWTON ST		KEY WEST	FL	33040	
30 BUNGEROTH MARC R K	1404 NEWTON ST		KEY WEST	FL	33040	
31 ARIF KHADIJA AKHTER D	7701 NW 62ND WAY		PARKLAND	FL	33067	
32 J-LEX PROPERTIES, LLC	9026 S RIDGE RD		PLAINFIELD	IL	60586	
33 MOEN TRUST 4/23/02	718 EISENHOWER DR		KEY WEST	FL	33040	
34 RODEL CHARITABLE FOUNDATION	PO BOX 4014		KEY WEST	FL	33041	

NAME	ADDRESS	UNIT	CITY	STATE	ZIP	COUNTRY
35 STICKNEY CLYDE P ESTATE	233 CROSSGATE DR		ELMORE	AL	36025	
36 POPOVICE MICHAEL	1119 SOUTHARD ST		KEY WEST	FL	33040	
37 NILES FAMILY LIVING TRUST 10/28/2002	4768 CAPE MAY AVE		SAN DIEGO	CA	92107	
38 LEWIN KURT C AND MONICA A	404 WHITE ST		KEY WEST	FL	33040	
39 EMSHOFF CLARENCE E	670 ISLAND WAY	UNIT 606	CLEARWATER	FL	33767	
40 OESTERLING EMIL AND JOAN M	1113 CURRY LN		KEY WEST	FL	33040	
41 MALLOY KEVIN P AND HOLLY J	614 WHITE ST		KEY WEST	FL	33040	
42 WOOD JOHN E REV TRUST 9/30/99	1617 RIGGS PL NW		WASHINGTON	DC	20009	
43 DAVIS ELIZABETH	1121 ELGIN LN		KEY WEST	FL	33040	
44 MYERS LAWRENCE R AND BROOKE DECAAMP	1870 WYOMING AVE		WASHINGTON	DC	20009	
45 FABISIEWICZ WALTER AND LOUISE LIV TR 12/2/2010	700 WHITE ST		KEY WEST	FL	33040	
46 DAY EDNA L L/E	1300 ANGELA ST		KEY WEST	FL	33040	
47 WASSYLENKO PETER M	1305 NEWTON ST		KEY WEST	FL	33040	
48 JACOBSON JEROME	3247 COUNTY ROUTE 15		PULASKI	NY	13142	
49 CASAS DIANA G L/E	1315 NEWTON ST		KEY WEST	FL	33040	
50 SHIELD LINDA M DEC OF TRUST	1414 ANGELA ST		KEY WEST	FL	33040	
51 VALDEZ JOSE R	2604 SEIDENBERG AVE		KEY WEST	FL	33040	
52 SEMICH J WILLIAM	915 JOHNSON ST		KEY WEST	FL	33040	
53 BEHRENS J DOUGLAS AND LINDA	16235 HUTCHINS MILL RD		MONKTON	MD	21111	
54 POTTER JOHN FRANKLIN AND KUEI MEI	1208 NEWTON ST		KEY WEST	FL	33040	
55 HENSON STEVE R AND DEBORAH	1415 ATLANTIC BLVD		KEY WEST	FL	33040	
56 ADAMS MARTHA L REV TRUST 06/20/2003	PO BOX 4122		KEY WEST	FL	33040	
57 HOLDEN BRIAN J	1309 NEWTON ST		KEY WEST	FL	33040	
58 CHRISTATOS MICHAEL AND LESLIE A	1324 NEWTON ST		KEY WEST	FL	33040	
59 FELDMAN DONNA A	1418 ANGELA ST		KEY WEST	FL	33040	
60 BURRUSS CAROLYN S AND WILLIAM F JR	P O BOX 981		KEY WEST	FL	33041	
61 HINCHCLIFFE STEPHEN M	109 KEY HAVEN RD		KEY WEST	FL	33040	
62 TRUESDELL BRUCE AND ADA	5409 OVERSEAS HWY	UNIT 340	MARATHON	FL	33050	
63 LOEFFLER ROBERT D AND GLORIA R	1314 NEWTON ST		KEY WEST	FL	33040	
64 NEWTON PARK A CONDOMINIUM	1203 NEWTON ST		KEY WEST	FL	33040	
65 OLEKSAK MARGARET	420 GULF BLVD		INDIAN ROCKS B	FL	33785	
66 VAN STEELANDT NAOMI R	916 CENTER ST		KEY WEST	FL	33040	
67 PHILLIPS JEFFREY W	PO BOX 910		SAUGATUCK	MI	49453	
68 STUBBLEFIELD JOY L	D-7 10TH AVE		KEY WEST	FL	33040	

NAME	ADDRESS	UNIT	CITY	STATE	ZIP	COUNTRY
69 HOUSING AUTHORITY OF THE CITY OF KEY WEST	1400 KENNEDY DR STE A		KEY WEST	FL	33040	
70 GLASSER MARC AND HEIDI	700 PEARL ST		KEY WEST	FL	33040	
71 THE ARTISTS RESIDENCIES AT KEY WEST INC	600 WHITE ST		KEY WEST	FL	33040	
72 TIIF/ST OF FL - OLD ARMORY	600 WHITE ST		KEY WEST	FL	33040	
73 MIRA EDNA RUBY L/E	1219 NEWTON ST		KEY WEST	FL	33040	
74 MATHEWS DEVELOPMENT CO INC	3320 W HIGHWAY 30-A		SANTA ROSA BE	FL	32459	
75 ROTH AUS PAUL AND THERESA	1319 NEWTON ST		KEY WEST	FL	33040	
76 PARK CHARLES I JR DEC TRUST 3/22/1999	1300 NEWTON ST		KEY WEST	FL	33040	
77 COIRA STANLEY MD TRUST AGR 4/23/2001	4140 BONITA AVE		MIAMI	FL	33133	
78 HENDERSON JOHN E AND NANCY P	809 OAK TER		POINT PLEASANT	NJ	8742	
79 GRAY DONALD D AND JACQUELINE M	1405 NEWTON ST		KEY WEST	FL	33040	
80 KRABILL MELISSA D	1415 NEWTON ST		KEY WEST	FL	33040	
81 ZEMLIKA RONALD L	1419 NEWTON ST		KEY WEST	FL	33040	
82 MORROW PHILIP I	1217 NEWTON ST		KEY WEST	FL	33040	
83 GOBLE ROBERT T AND CAMILLA JANE	159 RUDDER CT		LEXINGTON	SC	29072	
84 HALLGREN WENDY	1425 NEWTON ST		KEY WEST	FL	33040	
85 CORMACK BRENDA L/E	1410 ANGELA ST		KEY WEST	FL	33040	
86 KING KENNETH MARSHALL	1216 ANGELA ST		KEY WEST	FL	33040	
87 COOK KAREN M	703 FLORIDA ST		KEY WEST	FL	33040	
88 BALDWIN MAUREEN K TRUST	60 CANNEY RD		DURHAM	NH	3824	
89 LANGAN ELIZABETH	1203 NEWTON ST	UNIT 1	KEY WEST	FL	33040	
90 SORENSEN SERENA	1203 NEWTON ST	APT 2	KEY WEST	FL	33040	
91 BURY CATHERINE J	175 W 93RD ST	APT 11C	NEW YORK	NY	10025	
92 BORN GEORGE W	14 ARLINGTON ST	APT 2	SOMERVILLE	MA	02145	
93 SEACRIST ROGER D	1203 NEWTON ST	UNIT 4	KEY WEST	FL	33040	
94 NEWTON STREET CONDOMINIUM	1220 NEWTON ST		KEY WEST	FL	33040	
95 SHEEDY ROBERT M	1220 NEWTON ST	UNIT 4	KEY WEST	FL	33040	
96 WILLISON MALCOM R & HUGGINS MARTHA D	2101 BURGUNDY ST	UNIT 2	NEW ORLEANS	LA	70116	
97 STEINKAMP WYNN RAYMOND	1205 NEWTON ST	APT 2	KEY WEST	FL	33040	
98 TEACHOUT STEPHEN V	1203 NEWTON ST	UNIT 3	KEY WEST	FL	33040	
99 COUGHLIN ENTERPRISE LLC	P O BOX 1548		KEY WEST	FL	33041	
100 SFI OF THE KEYS INC	P O BOX 1199		KEY WEST	FL	33041	
101 CARMACK WILLIAM L AND MARYANN S	1221 NEWTON ST		KEY WEST	FL	33040	
102 WEGMAN TIMOTHY G	702 PEARL ST		KEY WEST	FL	33040	

NAME	ADDRESS	UNIT	CITY	STATE	ZIP	COUNTRY
103 DUNN LEE H AND THARON S	P O BOX 1846		NANTUCKET	MA	02554	
104 GIRARD D'ALBISSIN ARNAUD AND NAJA	1214 NEWTON ST		KEY WEST	FL	33040	
105 SIRIUS JACK INVESTMENTS LLC	6970 MANASOTA KEY RD		ENGLEWOOD	FL	34223	
106 JANICKI STANISLAW K	1413 6TH ST		KEY WEST	FL	33040	
107 BLIVES YAKOV	1 BAY DR		KEY WEST	FL	33040	
108 FRIEND KELLY J	1220 NEWTON ST	APT 1	KEY WEST	FL	33040	
109 SHEEDY ROBERT M	1220 NEWTON ST	UNIT 5	KEY WEST	FL	33040	
110 MATTSON WILLIAM LOWELL	PO BOX 4873		KEY WEST	FL	33041	
111 HSBC BANK NA	2691 E OAKLAND PARK BL STE 303		FORT LAUDERDA	FL	33306	
112 AKERS ROGER W	HCR 62 BOX 42		RATON	NM	87740	
113 OFFICERS QUARTERS CONDOMINIUM	715 WHITE ST		KEY WEST	FL	33040	
114 ELLIS CHRISTOPHER GERARD AND MICHELLE LYNN	612 WHITE ST		KEY WEST	FL	33040	
115 KANE DANIEL M	354 SUGARTOWN RD		DEVON	PA	19333	
116 APPELLIS MICHEL	1414 NEWTON ST		KEY WEST	FL	33040	
117 DAMBROSIO JOSEPH M AND NELLA	1301 NEWTON ST		KEY WEST	FL	33040	
118 LEVIN JAY J	5516 PUTNAM DR		WEST BLOOMFIE MI		48323	
119 BAUMGARTNER EDWARD L	615 ASHE ST		KEY WEST	FL	33040	
120 PADGET-DEKKER HOLDINGS LTD	611 FRANCES ST		KEY WEST	FL	33040	
121 OROPEZA CARLEEN A REV TRUST 2/3/95	224 KEY HAVEN RD		KEY WEST	FL	33040	
122 UNITED STATES OF AMERICA			ATLANTA	GA	30345	
123 STATE OF FLORIDA	811 PALM AVE		KEY WEST	FL	33040	
124 JACOBSON CHRISTOPHER N	618 WHITE ST		KEY WEST	FL	33040	
125 WEYMOUTH LISA A	P O BOX 791249		PAIA	HI	96779	
126 WUNSCH RICHARD E	3516 17TH TER		KEY WEST	FL	33040	
127 KEYS PARADISE HOLDINGS LLC	1824 FLAGLER AVE	UNIT 179	KEY WEST	FL	33040	
128 SAUNDERS ANDREW W JR AND HELEN	911 TRINITY DR		KEY WEST	FL	33040	
129 MATARAZZO KURT	1124 STUMP LN		KEY WEST	FL	33040	
130 MYREN BRENDA LYNN	1123 STUMP LN		KEY WEST	FL	33040	
131 GRIFFITH RICHARD TRUSTEE	717 FLEMING STREET		KEY WEST	FL	33040	
132 UNION CROSSING REALTY TRUST	PO BOX 1990		NORTH FALMOU MA		02556	
133 SCHETTIG ROBERT C AND CELESTE M	609 FRANCES ST		KEY WEST	FL	33040	
134 AULL KEVIN J AND MELISSA K	711 GEORGIA ST		KEY WEST	FL	33040	
135 LEVIN ARTHUR M	1318 ANGELA ST		KEY WEST	FL	33040	
136 JACKSON THOMAS A AND DEBORAH ANN	620 ASHE ST		KEY WEST	FL	33040	

April 19, 2012

Planning Board Meeting

300' Radius Noticing

List Generated 4/5/12

Peary Court
Page 5 of 5

NAME	ADDRESS	UNIT	CITY	STATE	ZIP	COUNTRY
137 COLL DANIEL A	114 CUTTHROAT DR		SUMMERLAND KIFL	FL	33042	
138 SHELTON CALEDON J	1117 FLEMING ST		KEY WEST	FL	33040	
139 EPPY GREG S AND DOREEN S	8 AZALEA DR		KEY WEST	FL	33040	
140 LEROY VIVE A	1107 KEY PLAZA	PMB 332	KEY WEST	FL	33040	
141 516 WHITE STREET LLC	516 WHITE ST		KEY WEST	FL	33040	
142 GRIBIK SUZANNE J	616 ASHE ST		KEY WEST	FL	33040	
143 HENSON AGNES G L/E	1415 ATLANTIC BLVD		KEY WEST	FL	33040	
144 MCNALLY TERENCE	29 E 9TH ST		NEW YORK	NY	10003	
145 AVILA BARBARA	522 WHITE ST		KEY WEST	FL	33040	
146 SONGER MARK E AND LOIS P	1310 NEWTON ST		KEY WEST	FL	33040	
147 KEY WEST LODGE NO 1760 LOYAL ORDER OF THE MC	700 EISENHOWER		KEY WEST	FL	33040	
148 HOWE STEPHANIE	914 PACKER ST	APT 2	KEY WEST	FL	33040	
149 GRIFFITH RICHARD P LIVING TRUST 8/29/95	717 FLEMING ST		KEY WEST	FL	33040	
150 WELCH DONALD P AND KATHERINE K	524 WHITE ST		KEY WEST	FL	33040	
151 WEITZEN ELAINE G	130 1/2 E 65TH ST		NEW YORK	NY	10065	
152 SONI AND SONS LIMITED PARTNERSHIP	1425 LAKE FRONT CIRCLE STE 100		THE WOODLAND TX	TX	77380	
153 ROHRSCHEIDER JANE	1306 ANGELA ST		KEY WEST	FL	33040	
154 LUNDBERG DARLENE A	8939 POLK AVE		JACKSONVILLE	FL	32208	
155 WHITMAN DOUGLAS F REVOCABLE TRUST 7/6/2001	1317 NEWTON ST		KEY WEST	FL	33040	
156 JANSEN CHRISTINE E	1000 WEST AVE	APT 1424	MIAMI BEACH	FL	33139	
157 BERMAN ANDREW N AND LINDA C	716 ELIZABETH ST		KEY WEST	FL	33040	
158 WOOTEN FRANK F	1118 EATON ST		KEY WEST	FL	33040	
159 RICH DONALD T REV TRUST U/D DTD 12/12/06	919 N RIVER RD		MCHENRY	IL	60051	
160 STRUNK ACE HARDWARE INC	PO BOX 1199		KEY WEST	FL	33041	
161 HOUSING AUTHORITY KEY WEST	1400 KENNEDY DR		KEY WEST	FL	33040	
162 ROBERTS KEITH AND JUDY	5500 BAVARIAN LN		WILMINGTON	NC	28405	
163 ARITAS JOSEPH ESTATE	518 WHITE ST		KEY WEST	FL	33040	
164 COLLINS GEORGE E AND MARKETA	RIMSKA 10		PRAGUE 2		120 00	CZECH REPL
165 BERGERY BENJAMIN	29 BIS RUE BOURET		PARIS		F75019	FRANCE
166 BERGERON CHARLES	216 BALLANTYNE AVE N		MONTREAL QUEBEC		H4X 2C2	CANADA

28-36.003 Principles for Guiding Development.

(1) Objectives to Be Achieved.

- (a) Strengthen local government capabilities for managing land use and development;
- (b) Protection of tidal mangroves and associated shoreline and marine resources and wildlife;
- (c) Minimize the adverse impacts of development of the quality of water in and around the City of Key West and throughout the Florida Keys;

- (d) Protection of scenic resources of the City of Key West and promotion of the management of unique, tropical vegetation;
- (e) Protection of the historical heritage of Key West and the Key West Historical Preservation District;
- (f) Protection of the value, efficiency, cost-effectiveness and amortized life of existing and proposed major public investments,

including:

- 1. The Florida Keys Aqueduct and water supply facilities,
- 2. Sewage collection and disposal facilities,
- 3. Solid waste collection and disposal facilities,
- 4. Key West Naval Air Station,
- 5. The maintenance and expansion of transportation facilities, and
- 6. Other utilities, as appropriate;

(g) Minimize the adverse impacts of proposed public investments on the natural and environmental resources of the City of Key West; and

(h) Protection of the public health, safety, welfare and economy of the City of Key West, and the maintenance of Key West as a unique Florida resource.

(2) Elements Requiring Regulation.

(a) Planning and Administration.

1. The City of Key West shall modify the Comprehensive Plan which guides development within its boundaries to be consistent with these principles. The Comprehensive Plan shall be implemented through development regulations, including zoning ordinances and maps, which are kept current and made available for reasonable public distribution and inspection. Development orders shall be issued only in conformance with the policies and standards of the Comprehensive Plan, development regulations and maps.

2. The City of Key West shall prepare and implement Capital Improvement Plans based on viable funding sources to provide adequate infrastructure for existing and future development.

3. Issuance of development orders shall be coordinated with and contingent upon provisions contained within the Capital Improvement Plan. Development shall not be approved which is inconsistent with or exceeds the services specified in the Plan.

4. Special planning and zoning districts shall be created for:

a. Environmentally sensitive areas including, without limitation, mangrove communities. Such areas shall be zoned with a maximum use density of one dwelling unit per acre. Site alteration in these areas shall be limited to 10% of the total site size. Density credit should be considered by local governments as an incentive for the preservation of environmentally sensitive areas.

b. Noise and hazard zones of the Key West Naval Air Station as delineated by the U. S. Navy Office of the Chief of Naval Operations. Development within such zones should be limited to that compatible with air operations. Implementation of this section should be closely coordinated with the Office of the Chief of Naval Operations. Similar districts should be created around civilian airfields in cooperation with the Florida Department of Transportation and the Federal Aviation Administration. Codes for airfield districts should clearly specify height limits for structures and other appropriate restrictions on development necessary to protect air operations and public health and safety.

5. A community impact statement shall be designed to enable local governmental officials to determine the proposed development's favorable or unfavorable impact on the environment, natural resources, economy and the potential of the project to meet local or regional housing needs. The statement shall also require information relative to the project's potential impact on public facilities, including without limitation, water, sewer, solid waste disposal and transportation facilities. A community impact assessment statement shall be submitted and approved prior to the issuance of development orders or site plan approval for the following developments:

- a. Any development which includes building(s) in excess of 45 feet in height;
- b. Any intensive land uses including: residential uses of 10 or more dwelling units per acre or 50 or more total dwelling units;

and

c. Intensive business, commercial, or industrial uses.

6. Developments shall be encouraged in the Comprehensive Plan and development regulations to use clustering and other design techniques which would reduce public facilities costs, produce energy savings, and improve the scenic quality of the development. In addition, they shall conform to appropriate setback and open space requirements, stringent landscaping and land use compatibility requirements. Building and siting requirements shall reduce hurricane and fire damage potential and control access to City thoroughfares.

7. An evacuation plan consistent with regional and County plans shall be prepared and adopted which provides an opportunity for residents and visitors to evacuate to a place of safety during a natural disaster.

(b) Site Alteration Regulations.

Site alteration and landscaping regulations shall provide for:

1. A land clearing permit of limited duration issued upon approval of a site plan which includes a natural vegetation map, excepting minimal clearing required for survey.

2. Limitation of the size and species of trees allowed to be removed in clearing, including reasonable exceptions for structure sites and public safety. The ordinance shall provide protection for native tropical vegetation and tree species characteristic of West Indian tropical hardwood hammocks.

3. Revegetation and landscaping of cleared sites after construction.

(c) Waste Control and Water Quality Protection.

1. The City of Key West, in cooperation with the Monroe County Waste Collection and Disposal District, shall establish criteria and regulations for the methods and location of the disposal of all solid waste and waste-water effluents and residuals.

2. Site alteration and subdivision regulations shall provide for:

a. Retention of runoff or discharge of such runoff into adequately sized natural vegetative filtration areas in a manner approximating the natural runoff regime.

b. Permanent drainage systems which make maximum use of natural drainage patterns, vegetative retention and filtration.

c. Maintenance of habitat for wildlife species, prevent the introduction of noxious vegetation, and minimize the alteration of transitional wetlands.

(d) Protection of Public Facilities and Investments.

1. The City of Key West, in cooperation with the Florida Keys Aqueduct Authority, shall amend all applicable plumbing codes to provide for the mandatory installation of water conserving fixtures in all new development and redevelopment.

2. Business, commercial and industrial development shall provide off street parking and limited controlled access points to City thoroughfares.

3. Existing and future waste treatment and disposal sites shall be protected from encroachment by land uses which would endanger their functions or existence.

(e) Historical Resource Protection.

1. A management and enforcement plan and ordinance shall be adopted by the City of Key West providing that designs and uses of development reconstruction within the Key West Historical Preservation District shall be compatible with the existing unique architectural styles and shall protect the historical values of the District.

2. The City of Key West shall maintain an architectural review board established pursuant to Section 266.207(2), Florida Statutes. Furthermore, the architectural review board shall receive notice of all applications for development within the City of Key West and participate in hearings as appropriate.

Rulemaking Authority 380.05 FS. Law Implemented 380.05(1) FS. History—New 2-28-84, Formerly 27F-15.03, Transferred from 27F-15.003.



Data and Analysis

Proposed Future Land Use Amendment: Historic Special Medium Density Residential (HSMDR)

Peary Court Housing Complex

On April 6, 2011, the City was notified that the United States Navy, with its concessional housing partner, Southeast Housing, LLC, would be pursuing the sale of the property known as the Peary Court Housing Complex (RE# 00006730-000000), and all of the structures on it, to a private entity. The property is located within a Military (M) Future Land Use designation and corresponding zoning district. As such, should the property be sold to a non-military entity, the Future Land Use Element and Future Land Use Map of the City of Key West Comprehensive Plan must be amended, and subsequent amendments to the City's Land Development Regulations would be required to update the zoning district and the City's Official Zoning Map. In order to amend the Future Land Use Element and Future Land Use Map, the following information was reviewed and analyzed:

- Information regarding the consistency of the proposed land use amendments with the future land use element goals, objectives and policies, and those of other affected elements
- Impacts on Hurricane Evacuation; Planning and the BPAS;
- A description of availability of and the demand on sanitary sewer, solid waste, drainage, potable water and water supply, traffic circulation, and recreation, as appropriate;
- Tenant Rental Types and Rental Ranges in Relation to Affordable Housing;
- Construction Code/Federal Emergency Management Agency (FEMA) Flood Elevation Compliance; and
- Review of Archaeologically Sensitive Areas on the Site.

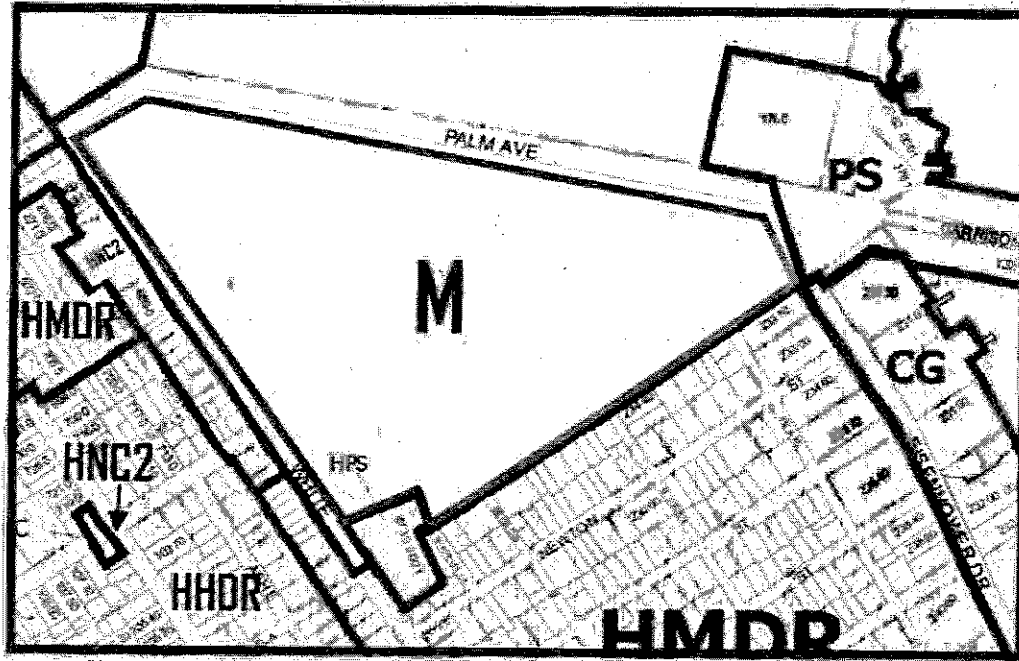
Background and Existing Site Characteristics

The Peary Court Housing Complex consists of approximately 24.26 acres, and began phased construction in 1993. The total number of residences recognized on the property is 160, however only 157 units are currently in existence on the property today. At the time of construction, the residences fulfilled military housing needs. However, over time, the tenant type was broadened to include public sector civilians.

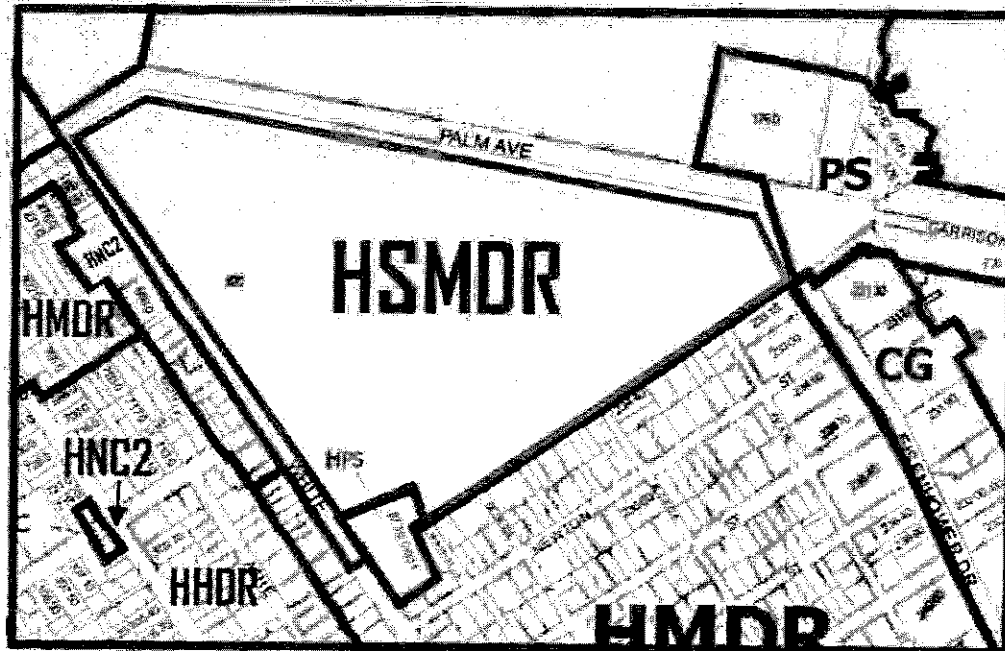
The property is located adjacent to the following future land use designations: Military (M) designation at Trumbo Point Annex, the Historic Neighborhood Commercial Future Land Use designation, the Historic Medium Density Residential (HMDR) designation, the General Commercial Future Land Use designation, and Public Service (PS) Future Land Use designation. Though there are some institutional and commercial Future Land

Use designations proximate or adjacent to the property, there is a significant portion of historic, permanent residential housing abutting the property.

Present Future Land Use Map



Proposed Future Land Use Designation



1. Review of Consistency with the Future Land Use Element Goals, Objectives and Policies, and Those of Other Affected Elements:

The City's Comprehensive Plan was reviewed to ensure that the proposed Future Land Use policy and Future Land Use map series amendments are consistent with the adopted Goals, Objectives, and Policies in the Future Land Use Element and other affected elements. This review determined that the proposed amendments are consistent with the Comprehensive Plan. The following supportive Goals, Objectives, and Policies are identified to provide support for the proposed HSMDR Future Land Use designation:

- **Goal 1-1: Land Use.** Ensure that the character and location of land uses incorporate best management practices and principles of resource conservation, promote orderly land use transition, and minimize threats to health, safety, and welfare which may be caused by incompatible land uses, environmental degradation, hazards, and nuisances.
- **Policy 1-1.1.1: Provide Access to Goods and Services and Protect Residential Areas from the Adverse Impacts of Transition in Land Use.**

Stable residential areas and projected future residential areas as delineated on the Land Use Map shall be protected from encroachment by incompatible development. This objective does not preclude necessary community facilities from locating within residential areas when such activities satisfy established criteria of this plan and the City's Land Development Regulations.

Similarly, perimeter landscaping techniques shall be applied in multiple family residential developments in order to appropriately screen and buffer existing and planned single family home sites from residential development having differing structure types.

In addition, land development regulations shall incorporate standards and/or review criteria for mandating retention of open space and for regulating building design, including setbacks, building placement on site, and building orientation. These provisions shall be directed toward protecting privacy, as well as access to light, air, and open space. Other reasonable design principles shall be included in the zoning code in order to alleviate adverse impacts of potentially incompatible land uses.

- **Objective 1-1.6: Integration of Former Military Sites.**
Ensure that the integration of former military land provides for long-term, sustained, economic growth consistent with the community's vision for the City of Key West, as follows:
 1. Provide meaningful integration of the sites into the community fabric;
 2. Help diversify the economy;

-
3. Encourage balanced growth in the area's economy, including commercial and service sector job growth;
 4. Provide employment opportunities for the region's unemployed and underemployed persons;
 5. Strengthen the local tax base;
 6. Help existing business and industries expand;
 7. Help small businesses develop;
 8. Provide affordable housing for Key West residents;
 9. Provide public recreation and access opportunities, especially in the waterfront;
 10. Provide opportunities for port, harbor, and marina improvements;
 11. Facilitate improvements and provide physical and economic links to Bahama Village;
 12. Ensure environmental sensitivity; and
 13. Provide opportunities for social services and special needs housing.

- **Objective 1-2.3: Managing Old Town Redevelopment and Preservation of Historic Resources.**

Areas delineated on the Future Land Use Map for historic preservation shall be planned and managed using a regulatory framework designed to preserve the form, function, image, and ambiance of the historic Old Town. The City's Historic Architectural Review Commission (HARC), in addition to the Planning Board, shall review all development proposals within the historic area designated by the National Register of Historic Places. The land development regulations shall be amended upon plan adoption to incorporate design guideline standards recently adopted by HARC.

Development in any area of Old Town within and outside the HARC review area may impact the historic significance of Old Town. Any development plans for these areas shall be subject to site plan review and shall be designed in a manner compatible with historic structures within the vicinity.

- **Policy 1-2. 6.2: Military Lands (M).**

The Future Land Use Map designates land owned by the United States Navy as Military (M). The City of Key West has in the past exercised no regulatory land use controls directed toward managing land and water resources under military jurisdiction. However, under Chapter 380, the City is designated as an area of critical state concern and the State principles for guiding development specifically require the City to carry out regulatory programs directed to the: (1) "Protection of the value, efficiency, cost effectiveness, and amortized life of existing and proposed major public investments including the Key West Naval Air Station and other military facilities," and (2) Minimize the adverse impacts of proposed public investments on the natural and environmental resources of the City of Key West." The State principles for guiding development require that the City coordinate with the United States Navy in order to effectively manage the impacts of development on public infrastructure and natural resources.

-
- **Goal 1-3: Implementing Land Use Goals and Objectives.** Continue to monitor and evaluate development and resource conservation within the City pursuant to goals and objectives of the Comprehensive Plan Land Use Element and carry out an effective implementation program as herein established.
 - **Objective 1-3.1 Concurrency Management.**

The concurrency management system presented in Objective 9-1.5 and 9-1.6 through 9-1.6.3 shall be an integral part of the Future Land Use Element and shall be binding performance criteria to which all new development shall comply. Upon adoption of the plan, the City shall adopt a concurrency management program. Pursuant to Ch. 163, FS, and 9J-5, FAC, the City of Key West shall issue no development order or permit for development unless the applicant provides narrative and graphic information demonstrating to the satisfaction of the City that public facilities required by the subject development shall be in place concurrent with the impacts of development. Furthermore, the applicant shall assure that the facilities operate at or above adopted levels of services standards. The applicant's narrative and graphic information shall also demonstrate that the subject development shall not reduce the levels of service (LOS) associated with public facilities serving the development below adopted LOS standards.
 - **Objective 1-3.2 Manage and Coordinate Future Land Use Decisions.**

Upon adoption of the City's Comprehensive Plan, the City of Key West shall enforce land development regulations which ensure that land development activities, resource conservation, and infrastructure issues are managed in a manner that includes timely coordination with County, regional, and State agencies having jurisdictional authority. Management of land and physical improvements identified on the Future Land Use Map will be regulated (especially lands identified in the land use element analysis of vacant lands) in order to protect and/or conserve natural systems, including topography, soil conditions, vegetation, natural habitat, potable water, wellfields, and other environmentally sensitive land and water resources. Land use shall also be predicated on availability of man-made infrastructure and service systems required to support respective land use activities.
 - **Objective 1-3.5: Protection of Archaeological Resources.**

Upon adoption of the City's Comprehensive Plan, the City shall adopt land development regulations which ensure that future land development activities incorporate appropriate measures to prevent damage to archaeologically and historically significant resources of State significance. In addition, the City's regulatory framework shall require preserving locally significant historic resources as identified by the City's Historic Architecture Review Committee.
 - **Policy 1-3.5.1: Programming for Archaeological and Historic Sites.**

The City shall coordinate with the State and federal government in developing programs for implementing City, State, and federal policies for identifying relative significance, protection, preservation, and enhancement shall be promoted, utilizing available public resources at the local, State, and Federal level as well as available private sector resources.

- **Policy 1-3.5.2: Preventing Adverse Impact of Redevelopment on Historic or Archaeological Sites.**

Development activities shall include precautions necessary to prevent the following adverse impacts to historic or archaeological sites of significance: 1) destruction or alteration of all or part of such site; 2) isolation from or significant alteration to its surrounding environment; 3) introduction of visible, audible, or atmospheric elements that are out of character with the property or significantly alter its setting; 4) transfer or sale of a site of significance without adequate conditions or restrictions regarding preservation, maintenance, or use; and 5) other forms of neglect resulting in its deterioration.

- **Policy 1-3.10.7: Manage Current Development Impacts.**

Evaluate and manage impacts of proposed development pursuant to existing ordinances, including, but not limited to, public facilities, natural environment, and impact on stable residential neighborhoods.

- **Policy 1-3.12.2: Building Permit Allocation Ordinance and Affordable Housing.**

The City permit allocation system shall require that thirty percent (30%) of all new permanent residential units be affordable units based on definitions and criteria contained in Policy 3-1.1.3 (Cross reference Section XI herein).

- **Policy 1A-1.2.4: Land Use Compatibility.**

Upon plan adoption, the City shall identify and through its Building Code and enforcement program, shall pursue the reduction and incremental elimination of inconsistent land uses in the historic district. Adjacent land uses in the Historic District shall be compatible. Reference Objective 1-2.3 of the Land Use Element.

2. Impacts upon Hurricane Evacuation Planning and Building Permit Allocation System (BPAS):

It is the City's understanding, based upon correspondence received from the State Land Planning Agency regarding the evacuation of military installations, that the Peary Court units have been counted as dwelling units in the hurricane evacuation models (Exhibit 1). Based on the foregoing, in conjunction with an October 20, 2011 email from the Areas of Critical State Concern Administrator, the City has been notified that no retroactive BPAS allocations would be necessary (Exhibit 2).

On March 20, 2012, the City received a letter from Balfour Beatty Communities dated March 19, 2012 further describing hurricane evacuation history at Peary Court, as well as documentation outlining the Navy's hurricane evacuation procedures as outlined in Naval Air Station Key West Instruction 3440.1B, Subject: Tropical Cyclone and Destructive Weather Plan (Exhibit 3). Based upon the information provided, it is the City's understanding that no additional impacts upon hurricane evacuation or the BPAS are anticipated.

3. A description of availability and the demand on sanitary sewer, solid waste, drainage, potable water and water supply, traffic circulation, and recreation, as appropriate:

At the January 26, 2012 and February 23, 2012 Development Review Committee (DRC) meetings (meeting minutes attached, Exhibit 4), the consideration of a Future Land Use Element and Future Land Use Map amendment for the subject property was considered. Based on information provided at both meetings, it has been determined that adequate public facilities are available to provide the development (Exhibit 5). The proposed Future Land Use Map Amendment of HSMR is being considered as a result of the anticipated disposition of the military property, and does not provide for more intense development impacts than the existing site conditions.

4. Tenant Rental Types and Rental Ranges in Relation to Affordable Housing:

According to information available on February 12, 2012, the current average rental rate is \$1,954.02 (Exhibit 6). According to information available at the time that the documentation was submitted to the City, the units on the property were occupied as follows:

- 40 Public Sector Civilian leases;
- 93 Military leases;
- 9 Other Preferred/Retiree leases;
- 8 Department of Defense (DOD) Affiliated Civilian leases; and
- 1 unit used for office/model, and 6 vacant units.

It is important to note that the information provided regarding tenant stratification is not static, as the number and types of leases can change daily. However, this information is intended to provide a snapshot of the stratification of unit types in place to illustrate the existing conditions on the property at the time of the Future Land Use Map amendment. Based on these figures, approximately 25% of the dwelling units on the property are leased to the general public. If the City of Key West Work Force Housing Income, Sale, and Rent Limits were to be applied to the 2012 Rent Limits Adjusted to Family Size (not including utilities), these units would be functioning within the community as affordable units (Exhibit 7).

Separately, on November 14, 2011, the Area of Critical State Concern Administrator from the State Land Planning Agency provided a letter opining that the dwelling units

on the site were subject to the City's Comprehensive Plan Policy 3-1.3.3 (Exhibit 8), which provides:

Policy 3-1.1.3: Additions to LDRs. Based on the Comprehensive Plan analysis of the "growth management," the City shall repeal the growth management ordinance and adopt as part of the land development regulations: 1) an affordable housing ordinance; and 2) a rate of growth ordinance.

Ratio of Affordable Housing to Be Made Available City-Wide: 1990-2010. The affordable housing ordinance shall stipulate that at least thirty percent (30%) of all residential units constructed each year shall be affordable as herein defined. Residential or mixed-use projects of less than ten (10) residential units shall be required to either develop thirty (30) percent of the units as affordable units on- or off-site, or contribute a fee in lieu thereof. However, residential projects of ten (10) units or more shall provide affordable units on- or off-site and will not have the option of fees in lieu thereof based on provisions to be included in the updated land development regulations.

Affordable Housing Trust Fund to be Established. The City shall establish and maintain an "affordable housing trust fund" with revenue received from "fees in lieu" of constructing required affordable housing as herein stipulated that is earmarked for the support and production of low and moderate income housing. The fees-in-lieu and the Housing Trust Fund shall not be commingled with general operating funds of the City of Key West. The trust fund shall be used for direct financial aid to developers as project grants and affordable housing project financing; direct or indirect aid to home buyers or renters as mortgage or rental assistance; and leverage to housing affordability, through site acquisition or development and housing conservation.

Impacted Land Uses. Any new commercial, industrial, hotel/motel or multi-family housing development shall be required to provide affordable housing or make "fees-in-lieu" to the Housing Trust Fund. The formula for determining the number of affordable housing units (or "fees-in-lieu") to be provided by each type of development cited above shall be stipulated in the land development regulations. The formula for commercial, industrial and hotel/motel developments shall be based on an economic assessment to be undertaken as part of the City's Comprehensive Housing Affordability Study to be completed in FY 1992-93. This assessment shall provide a fair and equitable affordable housing unit threshold based on each 100 square feet of gross leasable (or total units in the case of multi-family units or hotel/motel units).

Separately, Objective 1-1.6 of the City's Comprehensive Plan provides criteria for integrating former military sites, as follows:

Objective 1-1.6: Integrate Former Military Sites. Ensure that the integration of former military land provides for long-term, sustained, economic growth consistent with the community's vision for the City of Key West, as follows:

1. Provide meaningful integration of the sites into the community fabric;
2. Help diversify the economy;
3. Encourage balanced growth in the area's economy, including commercial and service sector job growth;
4. Provide employment opportunities for the region's unemployed and underemployed persons;
5. Strengthen the local tax base;
6. Help existing businesses and industries expand;
7. Help small businesses develop;
8. **Provide affordable housing for Key West residents;**
9. Provide public recreation and access opportunities, especially on the waterfront;
10. Provide opportunities for port, harbor, and marina improvements;
11. Facilitate improvements and provide physical and economic links to Bahama Village;
12. Ensure environmental sensitivity;
13. Provide opportunities for social services and special needs facilities;

(Organizing principles specific to each former military use site are provided in the following policies.)

Though Objective 1-1.6 did not anticipate excessing and potential integration specific to the Peary Court Housing Complex, staff has analyzed this policy in conjunction with Policy 3-1.1.3, and proposes that a portion of the dwelling units on the property continue to provide affordable housing to the community.

5. Construction Code/FEMA Compliance:

During the City's review process of the Future Land Use designation change for the subject property, Planning Department staff requested information demonstrating the applicability of any construction codes utilized at the time of the construction of the dwelling units at Peary Court, as well as flood elevation certificates. Documentation has been provided indicating that the units were constructed under the 1988 Southern Standard Building Code Congress International (SBCCI) (referenced in Exhibit 5).

The City's FEMA Coordinator/Floodplain Administrator reviewed the elevation certificates provided for the structures on the property, and identified flood concerns related to: the unattached enclosed storage structures attached to the carports, in that flood vents would need to be provided; the height of air conditioning units on the property; and the lack of flood vents in the guard sheds. Though modification to the structures will be required to achieve compliance with FEMA regulations, the proposed Future Land Use policies and map amendments will not specifically address these nonconformities. However, this issue is being addressed to inform the data and analysis

report of the existing site conditions, and to provide a mechanism to address the issue as part of the Certificate of Occupancy (C/O) process.

Review of Archaeologically Sensitive Areas on the Site:

According to the review of the Florida Department of State Division of Historical Resources letter, dated March 19, 1991 (referenced in Exhibit 5), a cultural resource assessment survey was performed indicating archaeologically sensitive areas on the property. The proposed Future Land Use amendment provides discretion to the City's Historic Preservation Planner due to the development impacts that may occur as a result of the proximity of the subject property to the City's nationally recognized historic district, as well as the potential impacts that development and redevelopment may have on the archaeologically sensitive areas recognized on the site.

Exhibits:

- Exhibit 1: January 20, 2012 Letter from State Land Planning Agency
- Exhibit 2: October 20, 2011 Email from State Land Planning Agency
- Exhibit 3: March 19, 2012 Letter from Balfour Beatty Communities, NASKW Instruction 3440.1B, Tropical Cyclone and Destructive Weather Plan
- Exhibit 4: January 26, 2012 and February 23, 2012 DRC Meeting Minutes
- Exhibit 5: February 15, 2012 Response to Follow Up to January 26, 2012- Development Review Committee Meeting Letter Dated February 3, 2012
- Exhibit 6: February 12, 2012 Letter RE: Balfour Beatty Communities Tenant Rental Types and Rental Ranges
- Exhibit 7: City Commission Resolution 12-091, City of Key West Work Force Housing Income, Sale, and Rent Limits Per Ordinance NO. 05-27, Section 122-1472.
- Exhibit 8: November 14, 2011 Letter State Land Planning Agency
- Exhibit 9: Environmental Baseline Survey Public/Private Venture Housing Privatization Naval Air Station Key West, Florida

Exhibit 1

Rick Scott
GOVERNOR



FLORIDA DEPARTMENT of
ECONOMIC OPPORTUNITY

Doug Darling
EXECUTIVE DIRECTOR

January 20, 2012

Mr. Jeff Green
Gulf Coast Development Manager
Balfour Beatty Communities
3502 East Eighth Street, Bldg 452
Gulfport, Mississippi 39501

Dear Mr. Green:

Thank you for your recent inquiry regarding hurricane evacuation in the City of Key West. Specifically, you have asked the following questions:

1. *How have the 157 units at Peary Court been incorporated into the Hurricane Evacuation Model?* Hurricane modeling is based upon block group data from the census. Information regarding the number of dwelling units, the number of cars that will be driven during an evacuation and whether or not a particular unit is occupied during hurricane season is derived from census data. In 2009, the Department of Community Affairs contracted with Dr. Earl J. Baker, Florida State University, to conduct behavior surveys to update the model. The following response is an excerpt from the study conducted by Dr. Baker.

Evacuation of Military Installations

"At the suggestion of Monroe County Emergency Management, a representative of Key West Naval Air Station was interviewed with respect to the installation's evacuation procedures. Although there are other military installations in the Keys, the Naval Air Station is the largest, and procedures followed by others were thought to be similar. Jim Brooks, the Public Information Officer, was interviewed.

There are 1,676 uniformed military personnel in the Keys, including all installations, with 1,015 family members. There are up to 459 military training personnel *in addition* who would be flown out in an evacuation. Other personnel and their families would drive their own vehicles in and evacuation. Up to 100 would remain on base. Civilians assigned to the base number 848.

The Caldwell Building 107 E. Madison Street Tallahassee, Florida 32399-4120
850.245.7105 TTY: TDD 1-800-955-8771 Voice 1-800-955-8770 FloridaJobx.org

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Mr. Jeff Green
January 20, 2012
Page 2 of 2

No one would evacuate prior to an evacuation order being issued by the County. (The exception presumably would be personnel removing equipment.) Salary and expenses would be paid during an mandatory evacuation, and NAS reserves hotel rooms in Orlando for personnel and dependents. Mr. Brooks estimated that 90% of personnel and families would leave within 6 hours of the evacuation order and 98% would be gone within 12 hours.

His general impression was that vehicle ownership would be comparable to the general population. It is possible that a larger percentage of available vehicles would be taken in an evacuation because certain personnel would be required to return to the base within 24 hours of passage of a hurricane."

2. *Does the hurricane evacuation model reflect the existing civilian component, as well as the proposed civilian component under new ownership?* The model is based upon how a person responds to census questions taken at ten year intervals regarding whether they live in a household or in group quarters. The software entries would have been determined by the 2000 Census. If residents within Peary Court answered census surveys indicating they lived within a "household," the unit would have been counted. For residents of barracks and other group quarters, no unit counts were developed because the starting assumption was that all group quarters residents (including military) would be evacuated ahead of any general evacuation order. Group quarters would include prisoners, residents of nursing homes, people in hospitals and other medical facilities, as well as the military personnel living in group facilities on the base.

In conclusion, it would be my assumption that the units have been counted as dwelling units in the evacuation models. If you require additional information, please contact (850)717-8494.

Sincerely,



Rebecca Jetton, Administrator
Areas of Critical State Concern

Exhibit 2

Ashley Monnier

From: Don Craig
Sent: Thursday, October 20, 2011 2:32 PM
To: Jim Scholl; Shawn Smith; Mark Finigan
Cc: Ashley Monnier; dph@horan-wallace.com
Subject: Fwd: rogo allocations

FYI
as i requested
don

----- Forwarded message -----

From: **Jetton, Rebecca** <Rebecca.Jetton@deo.myflorida.com>
Date: Thu, Oct 20, 2011 at 2:26 PM
Subject: rogo allocations
To: "DCraig@Keywestcity.com" <DCraig@keywestcity.com>

Don: You recently contacted me regarding the existing units at Peary Court which were constructed by the Navy for their military personnel. Since the units were built by the Navy, no ROGO allocations were identified or allocated by the City. The Navy has sold the units on the private market. You have questioned whether the city must now retro-actively assign ROGO allocations for this facility.

The recent 2010 Census accounts for these units and they were included in our recent hurricane evacuation modeling. I see no reason why the City would now have to allocate the units.

--
Donald Leland Craig , AICP

Exhibit 3

Ashley Monnier

From: Mark Lavin
Sent: Tuesday, March 20, 2012 1:54 PM
To: 'Ashley Monnier'; Don Craig
Cc: ron.demes@navy.mil; david@horan-wallace.com; Shawn Smith; Larry Erskine; Mark Finigan; Leslie Cohn; 'Austin Repetto'; David Forrest; Randall Calvert; Ted Lipham; 'jscholl@keywestcity.com'
Subject: RE: Emailing: Hurricane Evacuation History at Peary Court Requested Information
Attachments: NASKWINST 3440.1B - TROPICAL CYCLONE AND DESTRUCTIVE WEATHER PLAN.pdf; Response to Peary Court Hurricane History.pdf; Hurricane Evacuation History at Peary Court Requested Information.pdf

Mr Craig and Ms Monnier,

Please find attached my response to your letter transmitted via the email below. Additionally, I have attached both the Navy Instruction document cited in my response as well as your letter of request.

I look forward to seeing you at the 19 April 2012 Planning Commission Hearing on Peary Court.

If there is any additional information that you need please let me know.

Thank you for your expeditious handling of this matter.

Mark J Lavin
SVP Navy Portfolio, Balfour Beatty Communities
757-615-5536

-----Original Message-----

From: Ashley Monnier [<mailto:amonnier@keywestcity.com>]
Sent: Wednesday, March 14, 2012 4:54 PM
To: Mark Lavin
Cc: ron.demes@navy.mil; david@horan-wallace.com; Shawn Smith; Larry Erskine; Mark Finigan; Don Craig
Subject: Emailing: Hurricane Evacuation History at Peary Court Requested Information

Please find attached the following letter requesting information pertaining to hurricane evacuation history. Please do not hesitate to contact me with any questions or concerns.

Ashley Monnier
Planner II
City of Key West Planning Department
3140 Flagler Avenue
Key West, Florida 33040
Phone: (305) 809-3725
Fax: (305) 809-3978

Balfour Beatty Communities

10 Campus Boulevard ■ Newtown Square, PA 19073 ■ 610.355.8100 ■ bbgrp.com

19 March 2012

Dear Mr Craig,

This letter responds to your letter of March 13, 2012 requesting additional information concerning the Hurricane Evacuation History at Peary Court.

Naval Air Station Key West has coordinated evacuations in concert with Monroe County since before 2005. Attached please find the most recent edition of the Navy's hurricane evacuation procedures contained in NASKW Instruction 3440.1B. Specifically Page IV-1-3 paragraph 7 and Page IV-1-6 paragraph 3.a show the consistency with county evacuation procedures.

--Page IV-1-3 paragraph 7 "Depending on the size, strength, and forecasted track of a tropical cyclone, Commanding Officer (CO), Naval Air Station Key West (NASKW) may have to order deployment (evacuation) of personnel to out-of-area safe-haven, in order to ensure their safety and well being. Per reference (a) of the attachment, Commander Navy Region South East (CNRSE) is the primary authority for ordering evacuations. The evacuation order plan will be vetted through CNRSE and coordinated with local city, county and state emergency management authorities. Once authorized, the CO will issue the evacuation order."

Further, at page IV-1-6 paragraph 3.a "The order to evacuate will be vetted through CNRSE, and coordinated with local city, county, and state emergency management teams."

Peary Court is one of the properties that are covered under this NASKW umbrella instruction. Peary Court residents evacuated consistently with the rest of the base for all evacuations. Since at least 2005 Peary Court residents have evacuated when Monroe County/City of Key West called for an evacuation of the City. R/V's and transients historically evacuated earlier than our residents.

I look forward to seeing you at the 19 April 2012 Planning Commission Hearing. If there are any other issues that you need from us please let me know.

Thank you again for your time and consideration in this matter. I look for a favorable outcome.



Mark J. Lavin
SVP, Navy Portfolio
Balfour Beatty Communities



DEPARTMENT OF THE NAVY

NAVAL AIR STATION
PO BOX 9001
KEY WEST FL 33040-9001

NASKWINST 3440.1B
N00
7 Sep 10

NAVAL AIR STATION KEY WEST INSTRUCTION 3440.1B

Subj: TROPICAL CYCLONE AND DESTRUCTIVE WEATHER PLAN

Ref: (a) CNICINST 3440.17
(b) OPNAVINST 3140.24F
(c) CNRSEINST 3440.2D

Encl: (1) Saffir/Simpson Hurricane Category Definitions
(2) COR Order Message Template
(3) Tropical Cyclone COR Checklist - NAVFAC SE DET Key West
Public Works Department (PWD)
(4) Tropical Cyclone COR Checklist - Security
(5) Tropical Cyclone COR Checklist - Air Operations
(6) Tropical Cyclone COR Checklist - Port Operations
(7) Tropical Cyclone COR Checklist - All NASKW Departments
(8) Tropical Cyclone COR Checklist - Tenant Activities
(9) Shelter Guide
(10) Primary Shelter Assignments and Secondary Shelter List
(11) Out-of-Area Evacuation Safe Haven Locations
(12) Key and Essential Billets
(13) Weather Warning Definitions
(14) Emergency Operations Center (EOC) Destructive Weather
Guide
(15) Rapid Damage Assessment Form

1. Purpose. To publish guidance for destructive weather Conditions of Readiness (CORs) for Naval Air Station Key West (NASKW), and establish a plan to mitigate damage to personnel, facilities, and resources assigned to NASKW in the event of a hurricane or other destructive weather phenomena.

2. Cancellation. NASKWINST 3140.5S and NASKWINST 3440.1A. These instructions have been combined and completely revised herein. This instruction should be reviewed in its entirety.

3. Discussion.

a. General

(1) References (a) through (c) provide destructive weather guidance, and establish tropical cyclone and non-tropical cyclone CORs in anticipation of destructive winds or other destructive weather phenomena. Reference (b) directs Commander, Navy Region Southeast (CNRSE) to provide COR guidance to all CNRSE installations to facilitate and support preparations for destructive weather events, and safeguard the lives, property and resources within each installation under its Area of Responsibility (AOR). Per reference

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(c), Commanding Officer's shall develop and implement an installation-specific plan using the CNRSE template. Accordingly, this instruction establishes a destructive weather plan and assigns responsibility for setting and attaining destructive weather CORs in response to destructive weather events impacting NASKW. The NASKW website, <https://www.cnmc.navy.mil/KeyWest>, also contains useful information pertaining to hurricane preparation and evacuation.

b. Tropical Cyclones

(1) A tropical cyclone is a tropical system with destructive winds of fifty (50) knots or greater, and often accompanied with heavy rains, thunderstorms, lightning, tornadoes, storm surge and/or hail. Upon reaching certain wind strength (65 kts or greater), tropical cyclones are categorized as hurricanes. Enclosure (1) contains hurricane category definitions commonly used to describe the strength of tropical cyclones affecting the Eastern United States. The Atlantic tropical cyclone season is 1 June to 30 November each year. It should be noted, however, that throughout history there has been a named storm in every month of the year.

(2) Commander, Naval Maritime Forecast Center (NMFC) Norfolk, Virginia, provides meteorological and oceanographic support for tropical cyclones. Throughout the tropical cyclone season, the Emergency Manager (EM) shall monitor the NMFC website: <http://www.weather.navy.mil/home1.html> for information concerning tropical cyclones which may impact NASKW. Additionally, NMFA issues tropical cyclone forecasts via defense messaging system (DMS) message to collective address designator (CAD) HURRIWARNLANT, and will provide detailed information to CNRSE and NASKW regarding the onset of hazardous (sustained winds 35-49 knots) and destructive (sustained winds 50 knots or greater) meteorological events in order to assist in ordering CORs.

(3) Per reference (b), Commanding Officer (CO), NASKW will order the appropriate COR for NASKW based upon the size and forecast track of an identified tropical cyclone anticipated to impact NASKW. Enclosure (2) is the DMS template to be used to order a COR. In addition, NASKW will notify tenants and residents of a COR by as many means of communication as possible (email, social networks, voice, media, signage, etc.). NASKW will notify the CNRSE Regional Operations Center (ROC) of tropical cyclone COR orders and attainment via the CNIC sponsored Fleet Collaboration Suite Portal (C4Isuite): <https://c4isuite.atfp.cnmc.navy.mil>, telephone: (904) 542-3118, DSN 942 and e-mail: cnrse.rocl@navy.mil. DMS messages should not be used to report COR attainment.

(4) Tropical Cyclone CORs are ordered based on the expected onset of destructive winds. Certain preparatory actions are required within each COR to properly secure NASKW and prepare personnel. The

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level of preparation increases with the progression of each COR level (i.e. from picking up loose gear in COR 5, to removing awnings in COR 3, to reporting to shelters in COR 1). Certain NASKW tenant activities and departments (NAVFAC SE Det KW (Public Works Department (PWD)), Security, Air Operations, and Port Operations) have unique, specific responsibilities in attaining each COR using checklists contained in enclosures (3) through (6). All other NASKW departments and tenants are responsible for attaining COR levels using enclosure (7). Tropical Cyclone CORs are defined as follows:

(a) COR 5 - Destructive force winds possible within 96 hours. Due to the geographic location of Key West, COR 5 shall be maintained as the minimum state of readiness from 1 June through 30 November.

(b) COR 4 - Destructive force winds are possible within 72 hours.

(c) COR 3 - Destructive force winds are possible within 48 hours.

(d) COR 2 - Destructive force winds are anticipated within 24 hours.

(e) COR 1 - Destructive force winds are imminent within 12 hours.

(5) Using enclosure (8), tenant activities shall prepare and secure assigned spaces, and report COR attainment to the NASKW Quarterdeck: (305) 293-2268/2971 or email NASKW.IOC.fct@navy.mil.

(6) Depending on the size, strength, and forecasted track of a tropical cyclone, CO, NASKW may order personnel to report to identified shelters onboard the installation. The local shelters shall be operated by designated Shelter Officers. Enclosure (9) contains sheltering procedures. Enclosure (10) is a list shelters on board the installation and provides detailed information concerning shelter assignments.

(7) Depending on the size, strength, and forecasted track of a tropical cyclone, CO, NASKW may have to order deployment (evacuation) of personnel to out-of-area safe-haven, in order to ensure their safety and well being. Per reference (a), CNRSE is the primary authority for ordering evacuations. The evacuation order plan will be vetted through CNRSE and coordinated with local city, county and state emergency management authorities. Once authorized, the CO will issue the evacuation order. Enclosure (11) provides general information concerning out-of-area safe-havens and evacuation procedures. Per reference (a), an order to evacuate is mandatory and therefore non-

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elective. Only designated personnel will be authorized to remain on the installation.

(8) In the event of an out-of-area evacuation, a designated safe-haven will be identified for evacuating personnel. An Evacuation Coordination Center (ECC) will be established at the designated safe-haven operated by NASKW personnel throughout the evacuation. The ECC will serve as the primary duty station for all evacuated personnel during the evacuation. General information concerning the out-of-area safe-haven, including directions from Key West, is provided in enclosure (12).

(9) Enclosure (13) lists Category (CAT) A and B Key and Essential billets required to ensure all final preparations are made to secure NASKW. CAT A Key and Essential personnel will be required to remain on station in the event of an out-of-area evacuation. CAT B Key and Essential personnel may be required remain on station beyond the evacuation deployment window and return prior to the evacuation redeployment window. Before each tropical cyclone, the EM, with input from tenants and departments, shall assign personnel to each billet identified in enclosure (13). These assignments shall be maintained and updated, as necessary, throughout the season. The CO NASKW is the final approving authority of the CAT A and CAT B list; only the CO NASKW can approve personnel to remain onboard NASKW during an evacuation.

(10) Per reference (a), the CO shall accurately account for personnel in the NASKW AOR and collect and report personnel accounting data to the ROC. The Navy Family Accountability and Assessment System (NFAAS) contains the exact Unit Identification Codes (UIC) for each command/activity the CO NASKW is responsible for. However, per reference (a), each NASKW tenant activity (whether part of NFAAS or not) shall accurately account for personnel and family members and report updates to the EOC or ECC as necessary.

c. Non-tropical Destructive Weather

(1) Non-tropical destructive weather includes high wind gusts, high-sustained winds, thunderstorms, tornadoes, hail, surge, flooding, and/or lightning not associated with a tropical cyclone.

(2) For non-tropical hazardous and destructive weather, both NMFC and the National Weather Service (NWS) issue appropriate weather warnings to CNRSE and NASKW.

(3) The appropriate COR for destructive weather, other than tropical cyclone origin, will be set by CO, NASKW as needed, based upon the guidance from NMFC, NWS, and local weather forecasts. Ordering and attaining non-tropical destructive weather COR is not reported to CNRSE.

4. Action.

a. Commanding Officer NASKW shall:

(1) Set Tropical Cyclone COR:

(a) Monitor weather conditions and order the appropriate tropical cyclone COR to prepare NASKW for destructive weather, ensure the safety of personnel, and mitigate damage to facilities and resources.

(b) Order actions required within each COR level using enclosures (3) through (8).

(c) Establish an Emergency Operations Center (EOC) onboard NASKW, as well as EOC sub-centers at various locations throughout the Florida Keys (as needed) to ensure continuity of operations (COOP) during a destructive weather event. The location, contact information, and standard operating procedures for the EOC and sub-centers is provided in enclosure (14).

(d) Designate an EM who coordinates with NASKW departments and tenant activities concerning setting and attaining CORs. The EM is the principle advisor to the CO with regard to destructive weather events and shall liaise with local and state emergency management organizations with regard to information that may lead to sheltering or evacuation scenarios.

(1) The EM shall notify all departments and tenant activities when COR settings are changed by the CO. COR notification may be communicated by telephone, mass notification system and/or email.

(2) The EM shall notify the CNRSE ROC when CORs are ordered and attained via C4I, email and/or telephone. Telephone: (904) 542-3118, DSN 942. E-mail: cnrse.rocl@navy.mil. DMS should not be used to report COR attainment.

(2) Order personnel to shelter if necessary:

(a) Designate a Hurricane Shelter Officer (HSO).

(b) Designate hurricane shelters onboard NASKW. Enclosure (9) describes shelter concept of operations and enclosure (10) lists NASKW shelter sites. Shelter information for each tropical cyclone season will be provided in NASKWNOTE 3440.

(c) The EM shall coordinate with the HSO to notify all departments and tenant activities of the decision to shelter personnel, and the scope of the sheltering event. Notification may be

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communicated by telephone, mass notification system, and/or email through the EOC.

(d) The HSO shall oversee the preparations of the designated hurricane shelters, and coordinate with the NAVFAC SE Detachment Key West (Public Works Department (PWD)) to ensure that the buildings identified as shelters meet the necessary engineering criteria for designation as hurricane shelters.

(e) The HSO shall ensure Shelter Officers (SO) (E-6 or above) have been designated in writing for each primary shelter prior to the commencement of tropical cyclone season and each SO is familiar with this instruction.

(f) During a sheltering event, the HSO shall communicate with and, travel conditions permitting, visit SOs to ensure shelters are being operated per regulations.

(3) Order deployment (evacuation) to safe-haven:

(a) The order to deploy (evacuate) personnel to an out-of-area safe-haven is to ensure their safety. The order to evacuate will be vetted through CNRSE, and coordinated with local city, county, and state emergency management teams.

(b) Evacuation information will be passed via the public announcement system, local radio stations, local cable television stations, mass notification systems, NASKW website, social networking sites, email, and/or local command/department telephone trees.

(c) Assignment and handling of Key and Essential CAT A and B personnel requires special attention because these personnel are required to 1) remain on station (CAT A), or 2) may be last out/first in (CAT B) during destructive weather events. These personnel shall be specifically identified in enclosure (12) by billet. All NASKW departments and tenant activities shall provide the names corresponding to the billet of their Key and Essential personnel to the NASKW EM by the beginning of the tropical cyclone season (1 June) and provide monthly updates through the remainder of the season. Category A and B Key and Essential personnel are defined as follows:

NOTE: Category "A" and "B" personnel designations are unique to the NASKW destructive weather plan, and must not be confused with the designation of Personnel Categories 1 thru 5 as defined in reference (a).

(1) CAT A - Personnel identified as extremely critical to actions and security. These individuals will not evacuate. They will shelter in place or at a local hurricane shelter designed to withstand destructive weather forces. There is limited space in the

local shelters therefore the CAT A list should be limited to approximately seventy (70) personnel.

(2) CAT B - Personnel, in addition to CAT A personnel, identified as necessary in order to maintain traffic safety, operate facilities, ensure public safety, and make final preparations for the onset of destructive weather. These personnel are the last to evacuate, and may not be able to safely evacuate by automobile due to dangerous weather conditions impacting roadways. Accordingly, the mode of evacuation for these personnel will be at the discretion of the CO based on the current and anticipated weather conditions and related safety concerns. The CO may authorize individual POV travel, or require travel by government vehicle or military airlift as circumstances dictate. Since there are limited seats on military airlift, the CAT B list should not exceed ninety (90) personnel. After a destructive weather event CAT B personnel must be prepared to redeploy to Key West in advance of the general population in order to restore services to the installation.

(d) When an evacuation is ordered, the CO will remain in Key West with CAT A personnel. The EOC shall relay information concerning the status of NASKW to the ECC.

(e) The NASKW Executive Officer (XO) shall report to the ECC at the designated out-of-area safe-haven during an evacuation. An ECC watch-bill shall be established at the beginning of tropical cyclone season (1 June) and updated monthly throughout the season. When operating, the ECC will maintain contact, when possible, with the EOC for updates on the status of conditions onboard NASKW. The ECC will serve as the primary point of contact and information outlet concerning the status of NASKW during evacuation. For the duration of the evacuation and per a "battle rhythm" established by the XO, all NASKW departments and tenant activity representatives shall report to the ECC for updated information and instruction as well as provide daily muster reports.

(f) The designated out-of-area safe-haven and location of the ECC will be announced as part of the evacuation order. Typically the designated safe-haven is Orlando, Florida, and the ECC is located at the Orlando Armed Forces Reserve Center (AFRC). A list containing the addresses and contact information for the potential safe-havens and ECC locations is provided in enclosure (11). Specific evacuation instructions for each tropical cyclone season will be provided in NASKWNOTE 3441.

(g) The EM should establish a list of potential hotel accommodations in the safe-haven area. Hotel information can be accessed through the NASKW website (www.cnic.navy.mil/keywest).

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(4) Order redeployment:

(a) Once the destructive weather has passed and the extent of damage to the installation has been assessed, the CO will communicate with the ECC for redeployment of personnel. This redeployment may be phased; however, all personnel are subject to immediate recall. The mode of transportation for return of personnel will depend on the circumstances (i.e. road conditions, fuel availability etc.), and may include military airlift.

(b) The CO will authorize the general redeployment of evacuees after a complete condition assessment has been completed, and COR-5 attained. The decision for personnel to return after the evacuation will be relayed through the ECC and public announcement system, local radio stations, local television stations, mass notification systems, NASKW website, social networking sites, email, and/or local command/department telephone trees.

(5) Conduct destructive weather exercise:

(a) At least one annual hurricane exercise (HURREX) shall be conducted prior to the beginning of tropical cyclone season. This drill may be more effectively accomplished in conjunction with the annual United States Fleet Forces Command (USFF) hurricane exercise and/or a state/county hurricane drill. It is also advisable to conduct a base-wide HURREX after the summer Permanent Change of Station (PSC) season just prior to the peak of the tropical cyclone season (late July or early August) in order to ensure full exposure of base procedures to newly arrived personnel and family members. At a minimum the exercise shall:

(1) Simulate tropical cyclone CORs 4 through 1 setting, attainment and reporting using this instruction and enclosures.

(2) Ensure the EM coordinates with the HSO and SOs to establish the readiness of hurricane shelters.

(3) Ensure shelters are equipped and prepared for sheltering events.

(4) Test public announcement systems and other communications systems.

(5) Use the EOC and test communication with the CNRSE ROC using C4I, BGAN (SATTELCOM), and other available systems.

(6) Publish Tropical Cyclone Season Notices:

(a) NASKWNOTE 3440 (Calendar Year Destructive Weather Shelter Instructions).

(b) NASKWNOTE 3441 (Calendar Year Destructive Weather Evacuation Instructions).

b. NASKW Executive Officer (XO) shall:

(1) Direct all operations pertaining to safety and welfare of NASKW AOR personnel and families. Specifically:

(a) Monitor progress of COR settings.

(b) Monitor shelter operations.

(c) Establish a pet shelter when directed.

(d) Deploy to and open the ECC at least 12 hours prior to the deployment of NASKW AOR personnel. Close the ECC after COR-5 has been established and all personnel have redeployed to NASKW.

(e) Prepare and submit all destructive weather event muster reports.

(f) As Installation Training Team (ITT) leader, ensure destructive weather exercise objectives meet mandated requirements.

(2) Ensure a Hurricane Command Duty Officer is designated on the command watchbill during tropical cyclone season (1 JUN - 30 NOV).

c. NASKW Department Heads (DHs) shall:

(1) Be familiar with this instruction and review relevant enclosures, including the department COR checklists, enclosures (3) - (7). Departments that do not have a specific checklist from this instruction are encouraged to develop and exercise local standard operation procedures (SOP) for their department. Department SOPs shall be consistent with the general requirements in enclosure (7). A copy of department-specific SOPs shall be provided to the EM prior to the beginning of tropical cyclone season (1 June).

(2) Ensure all COR preparations are completed when ordered and report attainment to the Quarterdeck.

(3) Maintain an accurate telephone tree for their department updated monthly during tropical cyclone season.

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(4) Ensure all personnel within the department are notified when the COR changes and when sheltering or evacuation is ordered.

(5) Maintain an accurate written muster of all personnel in their departments, identifying each individual's name, position, address, telephone number(s), and number of dependents. This includes ensuring all personnel have up to date information in the Total Workforce Management System (TWMS) and the Navy Family Accountability and Assessment System (NFAAS) to include dependent information.

(6) In the event of an evacuation, ensure the departmental muster identifies the location (i.e. hotel location etc.) and telephone point of contact for each person during the evacuation. In addition, ensure all personnel are familiar NFAAS and the NFAAS website; <https://www.navyfamily.navy.mil>.

(7) In preparation for an evacuation, ensure their personnel have made necessary arrangements for the out-of-area safe-haven (i.e. hotel accommodations, mode of transportation etc.). Department heads should check with the EM for a list of potential hotel accommodations in the safe-haven area, and pass the information to their personnel prior to the start of tropical cyclone season (1 June).

(8) Review this instruction annually and submit recommended changes to the EM by 15 April.

d. NASKW Tenant Activities shall:

(1) Comply with the CORs and/or sheltering/evacuation orders issued by CO, NASKW. Enclosure (8) provides a COR checklist for tenant activities. Notify the NASKW Quarterdeck upon COR attainment.

(2) Prepare and maintain an individual destructive weather plan detailing any additional preparations specific to their activity. The plan should provide an outline concerning evacuation procedures for their personnel. All tenant activities shall provide an updated copy of their destructive weather plan to the NASKW EM at the beginning of each tropical cyclone season (1 June).

(3) During an evacuation, ensure that a representative reports to the NASKW ECC on a daily basis, providing a muster report for activity personnel and family members.

(4) Identify Key and Essential personnel for placement on the CAT A or CAT B lists and provide updates to the NASKW EM.

NASKWINST 3440.1B
7 Sep 10

(5) Review this instruction annually and submit recommended changes to the EM by 15 April.



P. A. LEFERE

Distribution: (NASKWNOTE 5216)
Lists A and C
Copy to:
CNIC
COMFLTFORCOM
COMNAVAIRFORCES
COMNAVREGSE
Armed Forces Reserve Center Orlando
PATRICK AFB
MACDILL AFB
Navy and Marine Corps Reserve Center Miami
Navy and Marine Corps Reserve Center West Palm Beach
Naval Recruiting District Miami

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SAFFIR/SIMPSON HURRICANE CATEGORY DEFINITIONS

1. Hurricane intensity and expected damage is categorized according to the Saffir-Simpson scale. The scale ranges from categories one through five, with five being the most severe. The latest version of this scale does not address the potential for other hurricane-related impacts, such as storm surge, rainfall-induced floods, and tornadoes. It should also be noted that these wind-caused damage general descriptions are to some degree dependent upon the local building codes in effect and how well and how long they have been enforced. More information can be found on the National Hurricane Center's website. The categories and possible outcomes according to the National Hurricane Center are:

a. Category One (1). Sustained winds 64 to 82 knots (74 to 95 miles per hour) (*Very dangerous winds will produce some damage*). People, livestock, and pets struck by flying or falling debris could be injured or killed. Older (mainly pre-1994 construction) mobile homes could be destroyed, especially if they are not anchored properly as they tend to shift or roll off their foundations. Newer mobile homes that are anchored properly can sustain damage involving the removal of shingle or metal roof coverings, and loss of vinyl siding, as well as damage to carports, sunrooms, or lanais. Some poorly constructed frame homes can experience major damage, involving loss of the roof covering and damage to gable ends as well as the removal of porch coverings and awnings. Unprotected windows may break if struck by flying debris. Masonry chimneys can be toppled. Well-constructed frame homes could have damage to roof shingles, vinyl siding, soffit panels, and gutters. Failure of aluminum, screened-in, swimming pool enclosures can occur. Some apartment building and shopping center roof coverings could be partially removed. Industrial buildings can lose roofing and siding especially from windward corners, rakes, and eaves. Failures to overhead doors and unprotected windows will be common. Windows in high-rise buildings can be broken by flying debris. Falling and broken glass will pose a significant danger even after the storm. There will be occasional damage to commercial signage, fences, and canopies. Large branches of trees will snap and shallow rooted trees can be toppled. Extensive damage to power lines and poles will likely result in power outages that could last a few to several days.

b. Category Two (2). Sustained winds 83 to 95 knots (96 to 110 miles per hour) (*Extremely dangerous winds will cause extensive damage*). There is a substantial risk of injury or death to people, livestock, and pets due to flying and falling debris. Older (mainly pre-1994 construction) mobile homes have a very high chance of being destroyed and the flying debris generated can shred nearby mobile homes. Newer mobile homes can also be destroyed. Poorly constructed frame homes have a high chance of having their roof structures removed especially if they are not anchored properly. Unprotected windows will

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have a high probability of being broken by flying debris. Well-constructed frame homes could sustain major roof and siding damage. Failure of aluminum, screened-in, swimming pool enclosures will be common. There will be a substantial percentage of roof and siding damage to apartment buildings and industrial buildings. Unreinforced masonry walls can collapse. Windows in high-rise buildings can be broken by flying debris. Falling and broken glass will pose a significant danger even after the storm. Commercial signage, fences, and canopies will be damaged and often destroyed. Many shallowly rooted trees will be snapped or uprooted and block numerous roads. Near-total power loss may be expected with outages that could last from several days to weeks. Potable water could become scarce as filtration systems begin to fail.

c. Category Three (3). Sustained winds 96 to 113 knots (111 to 130 miles per hour) (*Devastating damage will occur*). There is a high risk of injury or death to people, livestock, and pets due to flying and falling debris. Nearly all older (pre-1994) mobile homes will be destroyed. Most newer mobile homes will sustain severe damage with potential for complete roof failure and wall collapse. Poorly constructed frame homes can be destroyed by the removal of the roof and exterior walls. Unprotected windows will be broken by flying debris. Well-built frame homes can experience major damage involving the removal of roof decking and gable ends. There will be a high percentage of roof covering and siding damage to apartment buildings and industrial buildings. Isolated structural damage to wood or steel framing can occur. Complete failure of older metal buildings is possible, and older unreinforced masonry buildings can collapse. Numerous windows will be blown out of high-rise buildings resulting in falling glass, which will pose a threat for days to weeks after the storm. Most commercial signage, fences, and canopies will be destroyed. Many trees will be snapped or uprooted, blocking numerous roads. Electricity and water may be unavailable for several days to a few weeks after the storm passes.

d. Category Four (4). Sustained winds 114 to 135 knots (131 to 155 miles per hour) (*Catastrophic damage will occur*). There is a very high risk of injury or death to people, livestock, and pets due to flying and falling debris. Nearly all older (pre-1994) mobile homes will be destroyed. A high percentage of newer mobile homes also will be destroyed. Poorly constructed homes can sustain complete collapse of all walls as well as the loss of the roof structure. Well-built homes also can sustain severe damage with loss of most of the roof structure and/or some exterior walls. Extensive damage to roof coverings, windows, and doors will occur. Large amounts of windborne debris will be lofted into the air. Windborne debris damage will break most unprotected windows and penetrate some protected windows. There will be a high percentage of structural damage to the top floors

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of apartment buildings. Steel frames in older industrial buildings can collapse. There will be a high percentage of collapse to older unreinforced masonry buildings. Most windows will be blown out of high-rise buildings resulting in falling glass, which will pose a threat for days to weeks after the storm. Nearly all commercial signage, fences, and canopies will be destroyed. Most trees will be snapped or uprooted and power poles downed. Fallen trees and power poles will isolate residential areas. Power outages may last for weeks to possibly months. Long-term water shortages may increase human suffering. Most of the area may be uninhabitable for weeks or months.

e. Category Five (5). Sustained winds greater than 135 knots (155 miles per hour) (*Catastrophic damage will occur*). People, livestock, and pets are at very high risk of injury or death from flying or falling debris, even if indoors in mobile homes or framed homes. Almost complete destruction of all mobile homes will occur, regardless of age or construction. A high percentage of frame homes will be destroyed, with total roof failure and wall collapse. Extensive damage to roof covers, windows, and doors will occur. Large amounts of windborne debris will be lofted into the air. Windborne debris damage will occur to nearly all unprotected windows and many protected windows. Significant damage to wood roof commercial buildings will occur due to loss of roof sheathing. Complete collapse of many older metal buildings can occur. Most unreinforced masonry walls will fail which can lead to the collapse of the buildings. A high percentage of industrial buildings and low-rise apartment buildings will be destroyed. Nearly all windows will be blown out of high-rise buildings resulting in falling glass, which will pose a threat for days to weeks after the storm. Nearly all commercial signage, fences, and canopies will be destroyed. Nearly all trees will be snapped or uprooted and power poles downed. Fallen trees and power poles will isolate residential areas. Power outages will last for weeks to possibly months. Long-term water shortages will increase human suffering. Most of the area will be uninhabitable for weeks or months.

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CONDITION OF READINESS (COR) MESSAGE TEMPLATE

UNCLASSIFIED

O DTG

FM NAS KEY WEST//00//

TO ALL MILACTS KEY WEST FL

COMNAVREG SOUTHEAST JACKSONVILLE FL//ROC//

INFO COMFLTFORCOM NORFOLK VA//N3//

COMNAVAIRLANT NORFOLK VA//N3/N34A

NAVLANTMETOCCEN NORFOLK//NMFC/NAFA//

NAVLANTMETOCFAC JACKSONVILLE FL//00//

BT

UNCLAS //NO3140//

MSGID/GENADMIN/NAS KEY WEST FL 306//

SUBJ/ORDER TROPICAL CYCLONE CONDITION//

REF/A/DOC/NASKWINST/-/3440.1B/

REF/B/DOC/CNRSEINST 3440.2D//

REF/C/RMG/NAVLANTMETOCCEN NORFOLK/XXXXZXXX20XX//

NARR/REF A IS NASKW TROPICAL CYCLONE AND DESTRUCTIVE WEATHER PLAN. REF

B IS COMMANDER, NAVY REGION SOUTHEAST (CNRSE) DESTRUCTIVE WEATHER PLAN

INSTRUCTION. REF C IS TROPICAL CYCLONE WARNING NR ---.//

POC/CDO/NASKW/TEL: DSN 483-2268/

TEL: COM(305)293-2268/EMAIL: NASKW.IOC.FCT@NAVY.MIL//

RMKS/1. PER REFS A AND B, AND IRT REF C, ORDER TROPICAL CYCLONE

CONDITION OF READINESS (COR) X FOR NASKW EFFECTIVE XXXXZXXX2009

THROUGHOUT MONROE COUNTY. TAKE ALL ACTIONS REQUIRED BY REF A. MAKE

ALL REQUIRED REPORTS TO THE NASKW QUARTERDECK AT EXT 2268/2971/2041.

2. AS OF XX/XXXXZ, (NAME) WAS LOCATED AT XX.X N XX.X W MOVING XX DEGREES AT XX KNOTS. MAX WINDS XXX KTS WITH GUSTS TO XXX KTS. STRENGTH IS FORECAST TO (INCREASE/DECREASE) WITH CPA TO (NAME OF INSTALLATION) OF XXNM OR FORECAST TO MAKE LANDFALL AT (LOCATION) AT ____ LOCAL HOURS (AS NECESSARY).

3. EXECUTE SHELTER/EVACUATION PLAN (AS NECESSARY).

4. FOR ADDITIONAL DETAILS (CURRENT STORM TRACK, SATELLITE FOR DOWNLOAD, ETC) VISIT SSL ENABLED WEBSITE AT [HTTPS \(SLASH SLASH\) WEATHER.NAVY.MIL/HOME.HTML](https://weather.navy.mil/home.html) AND FOLLOW THE TROPICAL CYCLONE INFORMATION LINK.//

Enclosure (2)

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NAVFAC SE Public Works Department Key West (PWD)
DESTRUCTIVE WEATHER AND RECOVERY CHECKLIST

TROPICAL CYCLONE COR-5

This COR is set at the beginning of tropical storm season (1 June) and remains the general state of heightened readiness throughout the season (through 30 November), unless another COR is announced. The PWO shall identify department personnel designated as Key and Essential personnel in enclosure (13) and submit a list containing the name and billet of these personnel to the NASKW EM. This list must be updated monthly during tropical storm season (1 June - 30 November). This list will identify CAT A personnel who must be capable of standing watch in Key West during destructive weather; and CAT B personnel who must be capable of making final preparations to the base before the onset of destructive weather and serve as first responders after storm passage. In addition, the following actions are to be completed within this COR:

CHECKLIST ITEM	RESPONSIBLE PERSON
1. Notify all codes of storm condition.	PR7
2. Notify applicable contractors of storm condition. Review contingency plans.	PR71; PR72; PR73; PR74
3. Update recall list and forward to PWD Admin Officer	PR71; PR72; PR73; PR74
4. Inspect utilities for potential hazards (airborne, trees, damage by flooding).	PR732
5. Inspect facilities/grounds for potential hazards (airborne, trees, damage by flooding).	PR711; PR723
6. Establish JON to all reimbursable customers.	PR7
7. Verify all doors and windows can be locked. Repair those that cannot be locked.	PR71; PR72; PR73; PR74
8. Inspect adjacent property for possible airborne hazards.	PR711; PR723
9. Confirm emergency generators, switching gear work and sump pumps are operational.	PR732
10. Ensure water valves are exercised and working properly.	PR732; FKA
11. Identify source of portable generators if necessary.	PR711; PR73

Enclosure (3)

12. Evaluate transportation equipment vs requirements.	PR733
13. Establish and publish hurricane job order number.	PR7
14. Ensure all equipment is operational and ready for emergency use.	PR733
15. Check, replenish and inventory emergency supplies.	PR71; PR72; PR73; PR74
16. Establish and notify the NASKW EM of a Turn-in Plan for government vehicles. The plan should designate parking areas and direct personnel where keys can be stored and retrieved. Coordinate with Air Operations on the use of hangars for storing essential equipment.	PR733
17. Brief Commanding Officer, NASKW and the NASKW EM concerning PWD's capabilities and limitations for supporting station hurricane requirements.	PR7
18. Prepare emergency storage plan (what will need to be moved inside or tied down in the event of a tropical cyclone).	PR711; PR73; PR723
19. Inspect assigned facilities for structural integrity and report structural integrity and location suitability of shelters to the NASKW EM.	PR71
20. Update and publish shuttering requirements.	PR73
21. Report setting of condition V.	PR71; PR72; PR73; PR74
22. Designate CAT A and CAT B personnel.	PR7
23. Report condition V to higher authority.	PR7

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TROPICAL CYCLONE COR-4

This COR is set when the onset of destructive force winds on station is possible within 72 hours. The following actions are to be completed within this COR:

CHECKLIST ITEM	RESPONSIBLE CODE(S)
1. Notify all codes of storm condition.	PR7
2. Notify applicable contractors of storm condition. Prepare sites and ensure they are clear of loose gear and trash is removed and stowed.	PR71; PR72; PR73; PR723
3. Ensure completion of all Condition V checklist items.	All
4. Prepare WWTP for Tropical Cyclone.	PR73
5. Fill water tanks. Maintain at full level.	PR732; FKAA
6. When/where appropriate, inspect the emergency generators to ensure they are operable, top off emergency generator fuel, and secure (with exception to WWTP, A-132, A-324, 1280, Pump House).	PR732
7. Complete Hazardous Waste weekly inspections at all collection points. Check for loose objects and debris.	PR73
8. Check installation of all tie downs.	PR71
9. Secure airfield signs.	PR7 3
10. Install shutters where required.	PR7 3
11. Prepare evacuation orders in the event they are necessary.	PR7; NAVFAC SE

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12. Hook-up two generators on vehicles.	PR73
13. Prepare gear for essential personnel (cell phone, charger, camera, film, blueprints, water, flashlights, batteries, MREs, rain gear, tools, equipment).	CAT A Team
14. Inspect the emergency transportation equipment to ensure it is operable.	PR733
15. Issue contingency funds to FEAD to exercise any additional emergency equipment from Blanket Purchase Authority or procurement.	PR7
16. Refuse collection/secure dumpsters.	PR733
17. Ensure catch basins and storm drain grates are free of obstructions.	PR73
18. HW personnel inspect each collection site.	PR74
19. Report setting of condition IV.	PR71; PR72; PR73; PR74
20. Report condition IV to higher authority.	PR7

TROPICAL CYCLONE COR-3

This COR is set when the onset of destructive force winds on station is possible within 48 hours. The following actions are to be completed within this COR:

CHECKLIST ITEM	RESPONSIBLE CODE(S)
1. Notify all codes of storm condition.	PR7
2. Notify applicable contractors of storm condition. Prepare sites and ensure they are clear of loose gear and trash is removed and stowed.	PR71; PR72; PR73; PR74
3. Ensure completion of all Condition V and IV checklist items.	All

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4. Prepare the interior of all assigned buildings by grouping the contents inside away from windows and exterior walls and cover.	All
5. Remove critical equipment and files/records to safe location.	All
6. Hand out plastic to cover computers.	All
7. Double check vehicles for fuel.	All
8. When/where appropriate, inspect the emergency generators to ensure they are operable, top off emergency generator fuel, and secure (with exception to WWTP, A-132, A-324, 1280, Pump House).	PR732
9. Exercise vehicle turn-in plan for government vehicles. Position equipment and vehicles to ensure maximum survivability and utility. Disperse the equipment, supplies and vehicles as needed.	PR733
10. Assign personnel to stack vehicles inside Maintenance Shops. Other equipment will be moved as close as possible to facilities away from storm direction.	PR733
11. Transfer authority for transportation asset assignments to the Command Center.	PR733
12. Provide 4-wheel drive vehicle to the Command Center.	PR733
13. Recheck Hazardous Waste collection points. Check for loose objects and debris. Move all waste inside facility as required.	PR73; PR74
14. Move as much equipment as possible inside facility.	All
15. Move all files, furniture, computers, and other items away from doors and windows. Cover all computers with plastic. Unplug all unneeded equipment.	All

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16. Conduct final inspection of facilities/utilities for hazards.	All
17. Report setting of condition III.	PR71; PR72; PR73; PR74
18. Report condition III to higher authority.	PR7

TROPICAL CYCLONE COR-2

This COR is set when the onset of destructive force winds on station is possible within 24 hours. The following actions are to be completed within this COR:

CHECKLIST ITEM	RESPONSIBLE CODE(S)
1. Notify all codes of storm condition.	PR7
2. Notify and secure contractors of storm condition.	PR71; PR72; PR73; PR74
3. Ensure completion of all Condition V, IV, and III checklist items.	All
4. Coordinate with Environmental in regard to contact of EPA and State regulators of situation/plan of action.	PR74
5. Secure all non-essential personnel. If evacuation is ordered, issue orders. Update recall list.	PR7
6. When/where appropriate, inspect the emergency generators to ensure they are operable, top off emergency generator fuel, and secure (with exception to WWTP, A-132, A-324, 1280, Pump House).	PR732
7. Recheck potable water tank levels.	PR732; FKAA
8. Ensure that emergency generators are topped off.	PR732
9. Disconnect 400 cycle units in hangars.	PR731
10. Secure all main water lines returning to potable water reservoirs.	PR731

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11. If a sheltering event is ordered, personnel and their dependents deemed to be in danger will be directed to report to designated shelters on the installation. Enclosures (9) and (10), as well as NASKWNOTE 3440 should be reviewed in their entirety.	All
12. Check equipment-staging plan.	PR733
13. Stage portable generators.	PR731
14. Conduct final inspection of facilities/utilities for hazards.	All
15. If evacuation is ordered, CAT B team, if required, report to NASKW Air Terminal for the scheduled air lift to a safe-haven if necessary.	CAT B
16. Report setting of condition II.	PR71;PR72; PR73
17. Report condition II to higher authority.	PR7

TROPICAL CYCLONE COR-1

This COR is set when the onset of destructive force winds on station is imminent. The following actions are to be completed within this COR:

CHECKLIST ITEM	RESPONSIBLE CODE(S)
1. Activate CAT A and ensure ready to respond as needed.	CAT A
2. If a sheltering event is ordered - all remaining personnel who have not yet reported to shelters should make final preparations to the installation and report to the shelters immediately.	All
3. Ensure completion of all Condition V, IV, III, and II checklist items.	All
4. Category A personnel should complete their assigned duties and report to the designated shelter.	CAT A

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5. Report setting of condition I.	PR71; PR72; PR73
6. Report condition I to higher authority.	PR7

HURRICANE/TROPICAL STORM RECOVERY

CHECKLIST ITEM	RESPONSIBLE CODE(S)
1. Key and Essential personnel immediately begin inspection and evaluation of utilities.	CAT A (Use enclosure (15) or equivalent assessment form)
2. Recovery personnel proceed directly to their place of work to assess damage and initiate clean up and repair.	CAT A (CAT B if necessary)
3. Inspect/evaluate wastewater plants, distribution systems, and lift stations. If plant was secured, start emergency generator and proceed with start up procedures.	CAT A (CAT B if necessary)
4. Inspect/evaluate water storage tanks. Inspect distribution system for main breaks and water leaks.	CAT A (CAT B if necessary)
5. Relocate excess HAZWASTE.	
6. File reports with regulators if necessary.	CAT A (CAT B if necessary)
7. Potable water assessment. If "boil water" notice has been issued, provide pamphlets to all returning residents and tape pamphlets to all facilities which prepare food.	CAT A (CAT B if necessary)
8. If needed, coordinate expedient sampling for bacteria and clearance of boil water notice from regulators.	CAT A (CAT B if necessary)
9. Inspect systems for damage. Isolate damaged facilities from distribution systems.	CAT A (CAT B if necessary)
10. Initiate repairs to systems.	CAT A (CAT B if necessary)
11. Initiate transportation operations as soon as possible.	CAT A (CAT B if necessary)
12. Clear roads, parking areas, and building entrances.	CAT A (CAT B if necessary)

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13. Refueling operations: top off emergency equipment, provide fuel as requested.	CAT A (CAT B if necessary)
15. Restore communications: establish communications with all personnel.	CAT A (CAT B if necessary)
16. De-shutter when appropriate.	CAT A (CAT B if necessary)
17. When/where appropriate, activate all generators.	CAT A (CAT B if necessary)
18. Install airfield signs.	CAT A (CAT B if necessary)

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**SECURITY DEPARTMENT
TROPICAL CYCLONE CONDITIONS OF READINESS (COR) CHECKLIST**

1. The Security Department has a significant role in safeguarding the personnel and property assigned to NASKW during a destructive weather event. The following information outlines the preparatory requirements and responsibilities of the Security Department under each COR set by Commanding Officer, NASKW.

a. Tropical Cyclone COR-5. This COR is set at the beginning of hurricane season (June 1) and remains the general state of heightened readiness throughout the hurricane season (through November 30), unless another COR is announced. The following actions are to be completed within this COR:

(1) Review and provide updates of this instruction to the NASKW Emergency Manager at the beginning of the hurricane season.

(2) Identify department personnel designated as Key and Essential personnel in enclosure (12) and submit a list containing the name and billet of these personnel to the NASKW Emergency Manager. This list must be updated monthly during tropical storm season (June 1 - November 30). This list will identify CAT A personnel who must be capable of standing watch in Key West during destructive weather; and CAT B personnel who must be capable of making final preparations to the base before the onset of destructive weather and serve as first responders after storm passage.

(3) Ensure signs are posted at guardhouses notifying personnel of the current COR.

(4) Continuously police grounds for loose gear and potential missile hazards.

(5) Review plan to safeguard all weapons and ammunition, in the event of an evacuation. Forward plans to NASKW Emergency Manager at the beginning of hurricane season (June 1).

(6) Review the parking, traffic control and evacuation plan with PWO. Primarily focusing on the orderly removal/evacuation of personnel from government quarters to local shelters or out-of-area safe havens, depending on the order of the Commanding Officer. Forward any changes to the EM at the beginning of hurricane season (June 1).

(7) Review hurricane traffic control plan as it interfaces with local law enforcement plans to ensure primary and alternate routes will be available to and from all annexes.

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(8) Review ASF activation plan. ASF members, when activated, shall muster with the Security Department until released by the Security Officer, and may be designated as Category B essential personnel if needed.

(9) Ensure the Security Department's emergency generators are fueled and tested monthly throughout the hurricane season.

(10) Update the recall bill and hurricane watch bills.

(11) Perform key control inventory.

(12) Review non-essential Security vehicles parking MOU.

b. Tropical Cyclone COR-4. This COR is set when the onset of destructive force winds on station is possible within 72 hours. The following actions are to be completed within this COR:

(1) Ensure signs are posted at guardhouses notifying personnel of the current COR.

(2) Begin to shutter assigned buildings and ensure shutter shortages have been reported to the PWD and the EM.

(3) Survey all annexes ensuring COR tasks are being accomplished. All discrepancies will be documented. Security Officer will provide the EM with discrepancies.

(4) Notify ASF of possible activation. ASF members will report to ASF coordinator prior to leaving the area.

(5) Report completion of COR-4 to the EM.

c. Tropical Cyclone COR-3. This COR is set when the onset of destructive force winds on station is possible within 48 hours. The following actions are to be completed within this COR:

(1) Ensure signs are posted at guardhouses notifying personnel of the current COR.

(2) Secure inactive and vacant Security buildings.

(3) Park non-essential Security vehicles IAW MOU.

(4) Review fuel conservation plan and restrict un-necessary driving.

(5) Protect equipment and move away from windows and exterior walls.

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(6) Ready hurricane equipment and material and begin saving water.

(7) Deliver 72 hours of Meals Ready to Eat (MRE) rations to the patrol room (Bldg A-324).

(8) Receive additional vehicles to attain CORs from PWD.

(9) Brief CO, and EM concerning evacuation time required, evacuation limitations, intended and recommended procedures.

(10) Report completion of COR-3 to the EM.

d. Tropical Cyclone COR-2. This COR is set when the onset of destructive force winds on station is possible within 24 hours. The following actions are to be completed within this COR:

(1) Ensure signs are posted at guardhouses notifying personnel of the current COR.

(2) Activate hurricane watch bill. In the event of a sheltering, muster ASF.

(3) Initiate shelter/evacuation plans, as needed.

(4) Ensure PWD secures non-essential utilities to Security buildings.

(5) Use Public Announcement System and circulate vehicles with public address systems through the housing areas to announce shelter or evacuation orders directed by the CO. Unless otherwise directed by the CO, one of the following announcements shall be made:

(a) If a sheltering event is ordered, the public announcement should state: **"TROPICAL CYCLONE CONDITION TWO IS NOW IN EFFECT. ALL RESIDENTS ARE TO PREPARE TO GO TO ASSIGNED SHELTERS. PERSONNEL WITHOUT MEANS OF TRANSPORTATION SHOULD NOTIFY SECURITY FOR ASSISTANCE. NO BOATS, TRAILERS OR PETS ARE PERMITTED. PREPARE TO GO TO ASSIGNED SHELTERS."**

(b) If an evacuation is ordered, the public announcement should state: **"TROPICAL CYCLONE CONDITION TWO IS NOW IN EFFECT. BY ORDER OF THE COMMANDING OFFICER, ALL NASKW PERSONNEL ARE TO EVACUATE AND REPORT TO THE PRIMARY EVACUATION COORDINATION CENTER IN ORLANDO, FLORIDA. THE TELEPHONE NUMBER FOR THE EVACUATION COORDINATION CENTER IS (877) 822-7213. PERSONNEL WITHOUT MEANS OF TRANSPORTATION SHOULD NOTIFY THEIR CHAIN OF COMMAND. ALL TENANT ACTIVITY PERSONNEL SHOULD CONTACT THEIR COMMANDS FOR FURTHER DIRECTION."**

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(6) If a sheltering event is ordered, personnel and their dependents residing in government quarters deemed to be in danger will be directed to report to designated shelters on the installation. The Shelter Guide, enclosure (9), should be reviewed in its entirety.

(7) Report completion of COR-2 to the EM.

e. Tropical Cyclone COR-1. This COR is set when the onset of destructive force winds on station is imminent. The following actions are to be completed within this COR:

(1) Ensure signs are posted at guardhouses notifying personnel of the current COR.

(2) During 40/35 mph/kts sustained winds, secure all gates/guardhouses, mobile patrols and lower drop-arms. Notify Security Officer of secured gates. Security personnel must be readily available to re-open the gates at the direction of the Security Officer.

(3) Detail non-essential personnel to their assigned shelters.

(4) If evacuation is ordered - Category B personnel should complete final preparations and evacuate upon completion.

(5) Report completion of COR-1 to the EM.

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**AIR OPERATIONS DEPARTMENT
TROPICAL CYCLONE CONDITION OF READINESS (COR) CHECKLIST**

1. The NASKW Air Operations Department is responsible for a wide range of actions in preparing for a tropical cyclone. The following information outlines the requirements under each COR ordered by CO, NASKW.

a. Tropical Cyclone COR-5. This COR is set at the beginning of tropical cyclone season (1 June) and remains the general state of heightened readiness throughout the tropical cyclone season (through 30 November), unless another COR is announced. The following actions are to be completed within this COR:

(1) All assigned grounds should be policed for loose gear and potential missile hazards. This action should be done continuously throughout the entire tropical cyclone season.

(2) Review and provide updates of this instruction to the EM at the beginning of the tropical cyclone season.

(3) Identify department personnel designated as Key and Essential personnel in enclosure (12) and submit a list containing the name and billet of these personnel to the NASKW EM. This list must be updated monthly during tropical cyclone season (1 June - 30 November). This list will identify CAT A personnel who must be capable of standing watch in Key West during destructive weather; and CAT B personnel who must be capable of making final preparations to the base before the onset of destructive weather and serve as first responders after storm passage.

(4) Review and update the NASKW aircraft evacuation plan.

(5) Review and update the aircraft and equipment protection/disposition plan.

(6) The Ground Electronics (GE) Division shall:

(a) Assign personnel to the EOC.

(7) Establish an equipment storage plan for hangars A-936 and A-981.

b. Tropical Cyclone COR-4. This COR is set when the onset of destructive force winds on station is possible within 72 hours. The following actions are to be completed within this COR:

(1) Inspect all assigned buildings and areas to ensure they

Enclosure (5)

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are clear of loose gear and trash is removed and stowed.

(2) Begin to shutter assigned buildings and ensure shutter shortages are reported to PWD and the EM.

(3) Notify visiting detachments of anticipated destructive weather and advise detachments to depart NASKW.

(4) Prepare personnel who staff the EOC in Marathon, Key West and NASKW for deployment no later than the setting of COR-3.

(5) Report attainment of COR-4 to the Quarterdeck.

c. Tropical Cyclone COR-3. This COR is set when the onset of destructive force winds on station is possible within 48 hours. The following actions are to be completed within this COR:

(1) Completely secure all inactive and vacant Air Operations buildings.

(2) Prepare the interior of all assigned buildings by grouping the contents away from windows and exterior walls, and cover.

(3) Ensure that any hurricane equipment and material is easily accessible, and begin saving water.

(4) Defuel and secure all grounded aircraft in the hangars, and top off the fuel tanks of all other aircraft.

(5) Implement aircraft evacuation plan upon direction from the Air Operations Officer.

(6) Place AN/TSQ-6 Greenhouse and Ground Controlled approach (GCA) generator in hangar.

(7) Ensure that all field equipment is secured and protected.

(8) GE Division check generators for proper operation.

(9) Report attainment of COR-3 to the Quarterdeck.

d. Tropical Cyclone COR-2. This COR is set when the onset of destructive force winds on station is possible within 24 hours. The following actions are to be completed within this COR:

(1) Man watch in EOC.

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(2) Secure the airfield and stow movable equipment as soon as evacuation is completed. Issue field closure via Notice to Airmen (NOTAM).

(3) Secure non-essential utilities.

(4) If a sheltering event is ordered, personnel and their dependents residing in government quarters deemed to be in danger will be directed to report to designated shelters on the installation. Enclosures (9) and (10), as well as NASKWNOTE 3440 should be reviewed in their entirety.

(5) Report attainment of COR-2 to the Quarterdeck.

e. Tropical Cyclone COR-1. This COR is set when the onset of destructive force winds on station is imminent. The following actions are to be completed within this COR:

(1) If a sheltering event has been ordered - all remaining personnel who have not yet reported to shelters make final preparations to the installation and report to the shelters immediately.

(2) If evacuation has been ordered - CAT B personnel should complete the final preparations and report safe-haven via transportation guidelines prescribed by the CO. CAT A personnel should complete their assigned duties and report to the designated shelter.

(3) Report attainment of COR-1 to the Quarterdeck.

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**PORT OPERATIONS DEPARTMENT
TROPICAL CYCLONE CONDITION OF READINESS (COR) CHECKLIST**

1. The Port Operations Department is responsible for a wide range of activities involving the harbor and small craft during the preparation for a hurricane. The following information outlines the preparatory requirements under each COR set.

a. Tropical Cyclone COR-5. This COR is set at the beginning of tropical cyclone season (1 June) and remains the general state of heightened readiness throughout the tropical cyclone season (through November 30), unless another COR is announced. The following actions are to be completed within this COR:

(1) All assigned grounds and piers should be policed for loose gear and potential missile hazards. This action should be done continuously throughout the entire hurricane season.

(2) Review and provide updates of this instruction to the NASKW Emergency Manager at the beginning of the tropical cyclone season.

(3) Identify department personnel designated as Key and Essential personnel in enclosure (12) and submit a list containing the name and billet of these personnel to the NASKW EM. This list shall be updated monthly during tropical cyclone season (1 June - 30 November). This list will identify CAT A personnel who must be capable of standing watch in Key West during destructive weather; and CAT B personnel who must be capable of making final preparations to the base before the onset of destructive weather and serve as first responders after storm passage.

(4) Review and update the small craft and equipment protection/disposition plan, and the equipment storage plan.

b. Tropical Cyclone COR-4. This COR is set when the onset of destructive force winds on station is possible within 72 hours. The following actions are to be completed within this COR:

(1) Inspect all assigned buildings, piers and areas to ensure they are clear of loose gear and that trash is removed and stowed.

(2) Begin installing shutters on assigned buildings and ensure shutter shortages have been reported to PWD and the EM.

(3) Notify visiting ships of the anticipated destructive weather and advise the ships to prepare to depart NASKW.

Enclosure (6)

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(4) Report attainment of COR-4 to the Quarterdeck.

c. Tropical Cyclone COR-3. This COR is set when the onset of destructive force winds on station is possible within 48 hours. The following actions are to be completed within this COR:

(1) Completely secure all Port Operations' buildings. Remove all portable and moveable equipment from Navy piers.

(2) Prepare the interior of all assigned buildings by grouping the contents away from windows and exterior walls, and cover.

(3) All ships at Navy piers shall depart immediately upon setting COR-3. Navy piers will remain closed to all waterfront activities, not associated with storm preparations, until the passage of destructive force winds and the CO has determined that it is safe to reopen the Navy piers.

(4) Ensure that any hurricane equipment and material is easily accessible, and begin saving water.

(5) Ensure all boats, trailers, vehicles and other harbor equipment are secured and protected.

(6) Report attainment of COR-3 to the Quarterdeck.

d. Tropical Cyclone COR-2. This COR is set when the onset of destructive force winds on station is possible within 24 hours. The following actions are to be completed within this COR:

(1) Secure non-essential utilities.

(2) If a sheltering event is ordered, personnel and their dependents residing in government quarters deemed to be in danger will be directed to report to designated shelters on the installation. Enclosures (9) and (10), as well as NASKWNOTE 3440 should be reviewed in their entirety.

(3) Report attainment of COR-2 to the Quarterdeck.

e. Tropical Cyclone COR-1. This COR is set when the onset of destructive force winds on station is imminent. The following actions are to be completed within this COR:

(1) If a sheltering event is ordered - all remaining personnel who have not yet reported to shelters make final preparations to the installation and report to the shelters immediately.

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(2) If evacuation is ordered - CAT B personnel should complete the final preparations and report safe-haven via transportation guidelines prescribed by the CO. CAT A personnel should complete their assigned duties and report to the designated shelter.

(3) Report attainment of COR-1 to the Quarterdeck.

2. Pursuant to the Lease dated June 26, 2003, between the City of Key West, Florida (City) and the United States of America, acting by and through the Department of the Navy, the City leased, on a non-exclusive basis, the Truman Annex Outer Mole Pier berth for the purpose of docking cruise ships and passenger disembarkation and embarkation. As a condition of the Lease the City agreed to adhere to all base rules and regulations regarding security, ingress, egress, safety and sanitation as may be prescribed from time to time by the CO. The following information outlines the City's preparatory requirements under each COR setting.

a. Tropical Cyclone COR-5. This COR is set at the beginning of tropical cyclone season (1 June) and remains the general state of heightened readiness throughout the tropical cyclone season (through 30 November), unless another COR is announced. The following actions are to be completed within this COR:

(1) The Outer Mole berth shall be policed for loose gear and potential missile hazards. This action shall be done continuously throughout the entire tropical cyclone season.

(2) The City shall provide the EM and Port Operations Officer with a 24 hour emergency contact telephone number to ensure that communication is available after normal working hours and on weekends or holidays.

(3) The City shall provide the EM and Port Operations Officer with a list of supervisory city personnel that are responsible for compliance with the Outer Mole Pier berth COR. The list shall contain the each individual's name, position, area of responsibility, work telephone number and work cellular phone number. This list shall be updated monthly during tropical cyclone season (1 June - 30 November).

b. Tropical Cyclone COR-4. This COR is set when the onset of destructive force winds on station is possible within 72 hours. The following actions are to be completed within this COR:

(1) Inspect the Outer Mole Pier berth to ensure it is clear of loose gear and that all trash is removed from Navy property.

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(2) If a cruise ship is berthed at the Outer Mole Pier, notify the ship of anticipated destructive weather and advise the ship to prepare for departure.

(3) Report attainment of COR-4 to the Quarterdeck.

c. Tropical Cyclone COR-3. This COR is set when the onset of destructive force winds on station is possible within 48 hours. The following actions are to be completed within this COR:

(1) Remove all portable and moveable City owned or operated equipment from the Mole Pier and Navy property; including, without limitation, all portable barriers, fences, shelters, tents, chairs, bleachers, signs, trash cans and port-a-potties.

(2) If a cruise ship is berthed at the Outer Mole Pier, the ship shall depart immediately upon setting COR-3, unless prior permission to remain until the ship's scheduled sailing time has been granted by the CO. The Navy Mole Pier will remain closed to all waterfront activities, not associated with storm preparations, until the passage of destructive force winds and the CO has determined that it is safe to reopen the Pier.

(3) Report attainment of COR-3 to the Quarterdeck.

d. Tropical Cyclone COR-2. This COR is set when the onset of destructive force winds on station is possible within 24 hours. The following actions are to be completed within this COR:

(1) The Navy Mole Pier will remain closed to all waterfront activities, not associated with storm preparations, until the passage of destructive force winds and the CO has determined that it is safe to reopen the Pier.

(2) The City has no reporting requirement for COR-2.

e. Tropical Cyclone COR-1. This COR is set when the onset of destructive force winds on station is imminent. The following actions are to be completed within this COR:

(1) The Navy Mole Pier will remain closed to all waterfront activities until the passage of destructive force winds and the CO has determined that it is safe to reopen the Pier.

(2) The City has no reporting requirement for COR-1.

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**NAVAL AIR STATION KEY WEST DEPARTMENT
TROPICAL CYCLONE CONDITION OF READINESS (COR) CHECKLIST**

1. All Departments on board NASKW are responsible for preparing NASKW for the onset of destructive weather. The following information outlines the preparatory requirements under each COR set by CO, NASKW. All departments are encouraged to create procedures specific to their own department in order to assist in attaining the requirements of this enclosure. Any department-specific procedures shall be provided to the EM prior to the beginning of tropical cyclone season (June 1).

a. Tropical Cyclone COR-5. This COR is set at the beginning of tropical cyclone season (1 June) and remains the general state of heightened readiness throughout the season (through 30 November), unless another COR is announced. The following actions are to be completed within this COR:

(1) All assigned grounds should be policed for loose gear and potential missile hazards. This action shall be done continuously throughout the entire tropical cyclone season.

(2) Identify department personnel designated as Key and Essential personnel in enclosure (12) and submit a list containing the name and billet of these personnel to the NASKW EM. This list must be updated monthly during tropical cyclone season (1 June - 30 November). This list will identify CAT A personnel who must be capable of standing watch in Key West during destructive weather; and CAT B personnel who must be capable of making final preparations to the base before the onset of destructive weather and serve as first responders after storm passage.

b. Tropical Cyclone COR-4. This COR is set when the onset of destructive force winds on station is possible within 72 hours. The following actions are to be completed within this COR:

(1) Inspect all assigned buildings and areas to ensure they are clear of loose gear and trash is removed and stowed.

(2) Begin installing shutters to spaces and ensure any shutter shortages are reported to PWD and the EM.

(3) Report attainment of COR-4 to the Quarterdeck.

c. Tropical Cyclone COR-3. This COR is set when the onset of destructive force winds on station is possible within 48 hours. The following actions are to be completed within this COR:

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- (1) Completely secure all inactive and vacant spaces.
- (2) Prepare the interior of all assigned buildings/spaces by grouping the contents away from windows and exterior walls, and cover.
- (3) Ensure that any hurricane equipment and material is easily accessible, and begin saving water.
- (4) Report attainment of COR-3 the Quarterdeck.

d. Tropical Cyclone COR-2. This COR is set when the onset of destructive force winds on station is possible within 24 hours. The following actions are to be completed within this COR:

(1) If a sheltering event is ordered, personnel and their dependents residing in government quarters deemed to be in danger will be directed to report to designated shelters on the installation. Enclosures (9) and (10), as well as NASKWNOTE 3440 should be reviewed in their entirety.

(2) Report attainment of COR-2 to the Quarterdeck.

e. Tropical Cyclone COR-1. This COR is set when the onset of destructive force winds on station is imminent. The following actions are to be completed within this COR:

(1) If a sheltering event is ordered - all remaining personnel who have not yet reported to shelters make final preparations to the installation and report to the shelters immediately.

(2) If evacuation is ordered - CAT B personnel should complete the final preparations and report to safe-haven via transportation guidelines prescribed by the CO. CAT A personnel should complete their assigned duties and report to the designated shelter.

(3) Report attainment of COR-1 to the Quarterdeck.

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**TENANT ACTIVITY
TROPICAL CYCLONE CONDITION OF READINESS (COR) CHECKLIST**

1. Tenant activities are required to take specific actions to safeguard personnel and property from destructive weather events effecting the installation. The following information outlines the preparatory requirements under each COR set. All activities are encouraged to take extra precautions, as needed, in addition to these directives. All tenant activities shall provide a copy of any additional hurricane plans to the NASKW EM prior to the beginning of tropical cyclone season (1 June).

a. Tropical Cyclone COR-5. This COR is set at the beginning of hurricane season (1 June) and remains the general state of heightened readiness throughout the tropical cyclone season (through 30 November), unless another COR is announced. The following actions are to be completed within this COR:

(1) Police all grounds for loose gear and potential missile hazards. This shall be done continuously throughout the entire tropical cyclone season.

(2) Update tenant activity destructive weather plan and forward a copy to the EM.

(3) Identify personnel designated as Key and Essential personnel in enclosure (12) and submit a list containing the name and billet of these personnel to the EM. This list shall be updated monthly during tropical cyclone season (1 June - 30 November). This list will identify CAT A personnel who must be capable of standing watch in Key West during destructive weather; and CAT B personnel who must be capable of making final preparations to the base before the onset of destructive weather and serve as first responders after storm passage.

b. Tropical Cyclone COR-4. This COR is set when the onset of destructive force winds on station is possible within 72 hours. The following actions are to be completed in this COR:

(1) Inspect all assigned buildings and areas to ensure they are clear of loose gear, and trash is removed and stowed.

(2) Shutters should be installed on assigned buildings if available. Report all shutter shortages to Public Works.

(3) Report attainment of COR-4 to the NASKW Quarterdeck.

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c. Tropical Cyclone COR-3. This COR is set when the onset of destructive force winds on station is possible within 48 hours. The following actions are to be completed in this COR:

- (1) Completely secure all inactive and/or vacant buildings.
- (2) Secure or remove all movable awnings on assigned buildings.
- (3) Prepare the interior of all assigned buildings by grouping the contents away from windows and exterior walls, and cover.
- (4) Ensure that any hurricane equipment and material is easily accessible, and begin saving water.
- (5) Report attainment of COR-3 to the NASKW Quarterdeck.

d. Tropical Cyclone COR-2. This COR is set when the onset of destructive force winds on station is possible within 24 hours. The following actions are to be completed in this COR:

- (1) Secure all non-essential utilities and man essential watch stations.
- (2) If a sheltering event is ordered, personnel and their dependents residing in government quarters deemed to be in danger will be directed to report to designated shelters on the installation. Enclosures (9) and (10), as well as NASKWNOTE 3440 should be reviewed in their entirety.
- (3) Report attainment of COR-2 to the NASKW Quarterdeck.

d. Tropical Cyclone COR-1. This COR is set when the onset of destructive force winds on station is an imminent threat. The following actions require immediate action.

- (1) If a sheltering event is ordered - all remaining personnel who have not yet reported to shelters make final preparations to the installation and report to the shelters immediately.
- (2) If evacuation is ordered - CAT B personnel should complete the final preparations and report to safe-haven via transportation guidelines prescribed by the CO. CAT A personnel should complete their assigned duties and report to the designated shelter.
- (3) Report attainment of COR-1 to the NASKW Quarterdeck.

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**NAVAL AIR STATION KEY WEST (NASKW)
HURRICANE SHELTER GUIDE**

1. Discussion. The CO, NASKW will order personnel to shelter when necessary to ensure their safety. The CO will generally order the local shelters to be opened when a category 1 or 2 hurricane threatens to impact NASKW. However, the order to shelter may be limited depending upon storm strength, direction, and predicted effects of the storm surge. For example, residents on Truman Annex may be ordered to shelter during a category 1 hurricane, while Sigsbee Park and Trumbo Point residents may not be ordered to shelter until a category 2 storm is expected. The following information outlines operating procedures as well as rules and regulations pertaining to local hurricane shelters located on board NASKW. The purpose of a shelter is to provide a safe-haven from the storm. It should be expected that the traditional comforts of home will not be available.

a. Concept of Operations (CONOPS)

(1) Priority for sheltering shall be given to U. S Government affiliated residents of NASKW Public Private Venture (PPV) family housing and other on-base Government Quarters displaced by the shelter order. This plan provides specific guidance to execute this priority. Secondarily, additional shelter sites are identified and will be made available for NASKW and Tenant Activity employees and their immediate family members living on the economy.

(2) Specific buildings on board NASKW have been designated shelters because they have the engineering criteria and structural integrity to provide safe harbor in the event of a category 1 or 2 hurricane. Prior to the beginning of each tropical cyclone season (1 June), the XO and EM shall identify the Hurricane Shelter Officer (HSO) who shall be responsible to the CO for assuring shelters and plans are in their highest state of readiness for the upcoming season. The HSO and EM shall request NAVFAC SE Det PWD Key West to inspect all shelters to ensure their suitability as hurricane shelters. The XO and EM shall identify Shelter Officers (SO) (active duty military E-6 or above) from NASKW Departments and Tenant Activities to be designated in writing at the beginning of each hurricane season. The EM will coordinate the operation of the local shelters with the HSO and SOs. All discrepancies shall be immediately reported to the XO or CDO. The SOs will be assigned shelters and will be responsible the operational preparedness of the shelter during each COR setting, as well as the operation of the shelter during a sheltering event.

(3) The SOs shall ensure that the each shelter has a stocked hurricane locker containing:

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- | | |
|--------------------------------|---------------------------------|
| 1. Swabs-2/floor | 11. Masking Tape-5RO/bldg |
| 2. Buckets-2/floor | 12. Duct Tape-5RO/bldg |
| 3. Hand Soap-4Bx/Bldg | 13. Flashlights-15/bldg |
| 4. Toilet paper-1 Bx/bldg | 14. D Batteries-3pck/bldg |
| 5. Assembly lantern-3/bldg | 15. Disinfectant Oil-2GL/bldg |
| 6. Switch lantern-3/bldg | 16. First Aid Kit-1/bldg |
| 7. 6V Batteries-3/lantern | 17. Insect Rep.-6cans/bldg |
| 8. Replacement bulbs-1/lantern | 18. Insect Spray-5cans/bldg |
| 9. Nylon line-600'/bldg | 19. Water pur. tabs-1 case/bldg |
| 10. Rope-600'/bldg | 20. Portable Toilet-2/bldg |

(4) The EM and SO shall coordinate with the Security Department and the NAS Key West Housing Director to ensure that shelter check-in is accomplished in an orderly and safe manner.

(5) The CO's order to shelter will be communicated to NASKW departments and tenant activities via the EM. Notification may be accomplished by Voice Mass Notification System, e-mail and/or telephone, World Wide Web (websites and social networking), and posted at the entry control point marquees. The decision to shelter will also be announced at department head meetings and tenant activity meetings when possible.

(6) Navy Branch Health Clinic (NBHC) should coordinate with Fire and Emergency Services to provide one Corpsman or Emergency Medical Technician to each shelter. The HSO will designate one room to be used as a first aid and medical treatment room for the shelter. The building SO will include the location of the Medical Room to all sheltering personnel as part of the check-in briefing.

b. Shelter Procedures

(1) When personnel are ordered to shelter they shall first secure their homes. This should include securing both the interior and exterior of the home. Property should be moved away from windows and exterior walls, and outdoor furniture, trash cans etc. should be stowed and secured.

(2) Personnel should pack clothing, food, water, and hurricane emergency kits (including flashlights and batteries) to take with them to the shelter.

(3) Personnel with pets should arrange to board their pets with local kennels, if possible. Pets are not allowed in the hurricane shelters nor are they allowed to remain in base housing during a sheltering event. Resources permitting, a designated pet

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shelter may be established (building A-931, FISC warehouse for example) onboard Boca Chica Field. All pets boarded on base must be in a size-appropriate portable kennel before reporting to the designated pet shelter. Because building configurations and other circumstances change, NASKWNOTE 3440 will contain updated information specific to each calendar year's sheltering plan.

(4) Personnel shall check-in with the SO immediately upon entering the shelter. The SOs are the CO's representatives and their orders shall be followed. No one is allowed to leave the shelter for any reason without the permission of the SO.

(5) Upon checking in with the SO, each person will be assigned a room. Personnel need to note that due to the limited number of hurricane shelters, there may be more than one family assigned to a room.

(6) Personnel requiring transportation to the local shelters should contact the Security Department at 305-293-2531.

(7) Shelter Rules. Sheltered personnel shall:

(a) Not bring pets to shelters. All pets should be kenneled and taken to the designated pet shelter.

(b) Not possess alcohol in the shelters or adjacent property.

(c) Not possess firearms, ammunitions or explosives on board NASKW.

(d) Not use cooking devices or flammable liquids.

(e) Not smoke in shelters.

(f) Register immediately upon entering the shelter and cooperate with all orders of the SO and other personnel operating the shelter.

(g) Bring food and supplies. Each person must provide their own food, water, blankets, sheets, pillows, and toiletries; enough for three days. One gallon of water per person per day, and non-perishable canned food that does not require cooking is recommended. Items such as ready-to-eat meats, fruits, vegetables, canned juices, high-energy foods such as peanut butter, jelly, crackers, granola bars, trail mix, and other snack foods.

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Special dietary concerns should be addressed including baby food or formula. A manual can opener and eating and drinking utensils including paper plates is highly recommended.

- (h) Bring required medications to the shelter.
- (i) Bring their own disposable diapers for babies, and bring small toys, games, and books for amusement of children.
- (j) Not remove any items (i.e., TVs, VCRs, furniture) from shelters.
- (k) Bathe (if possible) and eat before leaving home.
- (l) Military personnel entering the shelters are in a duty status, and shall conduct themselves appropriately.
- (m) Be held strictly accountable for the conduct of their family members.
- (n) Clean the shelter before it is vacated.
- (o) Not leave the shelter without permission of the SO.

c. Shelter Assignments

(1) Shelter facilities are for all personnel living in on base Government or Public Private Venture (PPV) Quarters. Shelter assignment is determined by the physical address of the residence (See Hurricane Shelter Assignments table below).

(2) Personnel assigned to NASKW and Tennant Activities who reside on the economy are authorized to shelter on base. For shelter assignment these personnel shall report to the Chief Petty Officer's Mess Training Room (southwest corner of Bldg A-350 Boca Chica Field) where they will receive shelter assignment. Employees are reminded that Monroe County and the City of Key West offer hurricane sheltering at the Key West High School and Sugarloaf Middle School. Traveling to Boca Chica Field may not be the best option during the onset of destructive weather. Personal sheltering decisions must be made early to avoid hazardous driving conditions.

(3) Those members who are on PCS orders and are in temporary quarters at Morale Welfare or Navy Gateway Inns and Suites will shelter in Building 439 on Truman Annex.

(4) Those personnel who are live-aboards at the MWR Boca Chica Field Marina will shelter in building A-649 Boca Chica Field.

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(5) Shelter will not be provided for non-affiliated residents of PPV housing. These individuals are required to vacate their PPV housing upon order by the CO NASKW and seek shelter within the City of Key West or Monroe County.

(6) The purpose of a Shelter is to provide a safe-haven from the storm. It can be expected that many of the traditional comforts of home will not be available. In addition, personal expenditures associated with sheltering at a military facility are not reimbursable under Joint Federal Travel and Joint Travel Regulations (JTFR Volume I/JTR Volume II).

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HURRICANE SHELTER ASSIGNMENTS

Primary Shelters (priority for on base housing residents)

SHELTER #	CAPACITY	ASSIGNMENT	ASSIGNED # (REMAINING AVAILABLE)
Truman Annex 437	475	All Residents of Trumbo Point Annex	329 (146)
Truman Annex 438	525	All Residents of Peary Court	471 (54)
Truman Annex 439	525	All Residents of Truman Annex, JIATF-S Watch Standers, those on PCS orders and in temporary lodging with MWR or NGIS	271 (254)
Boca Chica Field A-638	252	Sigsbee Park Streets: Bowfin Court, Batfish Court	245 (7)
Boca Chica Field A-639	252	Sigsbee Park Streets: Seahorse Court, Salmon Court, Sealion Court, Spadefish Court, Tang Court, Trout Court, Tinoso Court, Tunney Court	209 (43)
Boca Chica Field A-648	452	Sigsbee Park Streets: Stephen Mallory Road, Matthew Peary Road, David Porter Road, on Duty Station 1 Fire Fighters	393 (59)
Boca Chica Field A-649	460	Sigsbee Park Streets: Dewey Road, Truxton Road, Farragut Road. Residents on Navy Branch Health Clinic, Boca Chica Marina Live-Aboards	407 (53)
Boca Chica Field A-727	1160	Sigsbee Park: Gilmore Drive,	707 (453)
Fleming Key KW 100/500	200	U.S. Army Spec. Ops	

Total Capacity: 4,301
Total Assigned: 3,017
Total Available: (1,084)

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Secondary Shelters (available for contingency use)

Building	First Floor Capacity	Second Floor Capacity	TOTAL
A-626	139	146	285
A-629	193	165	358
A-711	45	53	99
A-718	115	94	209
A-4165	296	N/A	296
A-4203	111	94	206
		Total	1452

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OUT-OF-AREA EVACUATION SAFE HAVEN LOCATIONS

1. The primary out-of-area safe-haven is Orlando, Florida. The ECC will be established at the Orlando Armed Forces Reserve Center. The address and telephone numbers for the ECC at the Orlando Armed Forces Reserve Center (AFRC) is:

2700 Dowden Road (Corner of 4th ST and Boggy Creek RD)
Orlando, FL 32827
(877) 822-7213 (Recorded Message)
(800) 221-9401 ext 2117 (CDO)
(321) 239-4226 (CDO Cell Phone)

2. Directions from Key West to the ECC at the Orlando AFRC are:

- * Take US 1 North to the Florida Turnpike.
- * Stay on the Florida Turnpike North to Orlando.
- * I-4 East to Exit 249.
- * Turn left on Dart Boulevard (becomes East Osceola Parkway).
- * Turn right on Country Road 527.
- * Turn right on 4th Street (becomes Dowden Road)
- * Continue on Dowden Road arriving at AFRC.

3. Secondary safe-havens are available if Orlando is not a safe option. The information concerning these secondary safe-havens is provided below.

a. Patrick Air Force Base:

(1) Telephone number: (800) 470-7232.

(2) Directions:

- * Take US 1 North to the Florida Turnpike North.
- * Drive north on the turnpike as far as the Fort Pierce exit.
- * Follow signs to I-95 north and take I-95 north to exit #73 Wickham Road.
- * Turn right onto Wickham Road and proceed to the Pineda Causeway intersection (look for signs to Patrick AFB).
- * Turn left onto Pineda Causeway and proceed until you see signs for PAFB. Ask gate guard for directions.
- * For information call (800) 470-7232.

b. MacDill Air Force Base:

(1) Telephone number: (813) 828-4361 / (DSN) 968

(2) Directions:

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- * Take US 1 North to the Florida Turnpike North.
- * Drive North on the Turnpike following signs to I-75 north.
- * Take I-75 North to Tampa.
- * At exit #50 you will get onto the Crosstown Expressway.
- * Proceed on the Crosstown Expressway until it ends at the Dale Mabry Highway.
- * Follow signs to Dale Mabry Highway south to lead into the main gate at MacDill AFB.
- * Once on station, proceed to Hangar #4 for processing.
- * Base Command Post (813) 828-4361 or DSN 968-4361.

Orlando Area Hotels

During an evacuation to the Orlando area safe-haven, it is the individual responsibility for lodging. There are many hotels and motels in the Orlando area but they may become rapidly filled during an evacuation. It is therefore recommended that the individual make reservations as soon as possible once an evacuation order has been issued. Information on evacuation area hotels can be found on the NASKW World Wide Web site <https://www.cnmc.navy.mil/KeyWest> under the hurricane quick link.

Travel Orders and Claims

All personnel must maintain up to date personal information in the Total Workforce Management System (TWMS) to include dependent data. TWMS is the source from which evacuation orders are issued for sponsors and dependents. Military members must have correct Page 2s on file and ensure dependent data is correct in Navy Standard Integrated Personnel System (NSIPS) for TWMS to have the correct data. **Note: Not having correct data in NSIPS will delay the issuance of orders for dependents and may delay reimbursement of travel claims.** The Commander, Navy Region Southeast (CNRSE) Financial Management Key West Storefront will be responsible for the issuance of orders to Departments. Travel orders for military members should be issued via the Defense Travel System (DTS).

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**NAVAL AIR STATION KEY WEST
HURRICANE ROSTER OF KEY AND ESSENTIAL PERSONNEL**

CATEGORY A-CRITICAL COMMAND AND EMERGENCY SERVICES PERSONNEL					
CBMU 202					
ASSIGNMENT	NAME	GRADE	Gov't Cell Phone or Contact Phone	Nextel Direct Connect #	Muster POC
Team Leader		EOC			LCPO
Builder/Surveyor		EA1			LCPO
Equipment Operations		EO2			LCPO
Equipment Operations		EOCN			LCPO
Equipment Operations		EO2			LCPO
Mechanic		CM2			LCPO
Equipment Operations		EOCN			LCPO
	7				
COMMAND GROUP					
ASSIGNMENT	NAME	GRADE	Gov't Cell Phone or Contact Phone	Nextel #	Muster POC
Commanding Officer		CAPT	305-797-4342		EM
Business Manager		YC-02	305-797-0158		EM
Hurricane CDO			305-797-4428		EM
	3				
EMERGENCY MANAGEMENT (EM + 3 to remain)					
ASSIGNMENT	NAME	GRADE	Gov't Cell Phone or Contact Phone	Nextel Direct Connect #	Muster POC
Emergency Manager		YA-02	305-797-1210		EM
Emergency Dispatcher					EM
Emergency Dispatcher					EM
	3				
FIRE DEPARTMENT					
ASSIGNMENT	NAME	GRADE	Gov't Cell Phone or Contact Phone	Nextel Direct Connect #	Muster POC
Fire Chief/EOC		YN-2	305-797-4401	N/A	Fire Chief
Batt Chief/Boca Chica		GS-09			Fire Chief

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FF/Boca Chica		GS-08		Fire Chief
FF/Boca Chica		GS-06		Fire Chief
FF/Boca Chica		GS-07		Fire Chief
FF/Boca Chica		GS-06		Fire Chief
Batt. Chief/Trumbo Pt.		YN-1		Fire Chief
FF/Trumbo Point.		GS-07		Fire Chief
FF/Trumbo Point.		GS-06		Fire Chief
FF/Trumbo Point		GS-07		Fire Chief
FF/Trumbo Pt.		GS-07		Fire Chief
FF/Truman Annex		GS-07		Fire Chief
FF/Truman Annex		GS-06		Fire Chief
FF/Truman Annex		GS-07		Fire Chief
FF/Truman Annex		GS-06		Fire Chief
	15			Fire Chief

MWR

ASSIGNMENT	NAME	GRADE	Gov't Cell Phone or Contact Phone	Nextel Direct Connect #	Muster POC
Head, MWR Maintenance					MWR Director
	1				

HOUSING DEPARTMENT

ASSIGNMENT	NAME	GRADE	Gov't Cell Phone or Contact Phone	Nextel Direct Connect #	Muster POC
Site Manager					Housing Manager
	1				

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JIATF-S

ASSIGNMENT	NAME	GRADE	Gov't Cell Phone or Contact Phone	Nextel Direct Connect #	Muster POC
Director for Logistics & Contracting		CIV			J4
Hurricane Officer		CIV			J4
JIATFS Liaison to NASKW EOC		CIV			J4
OIC, Disaster Control Team		CIV			J4
Security Specialist		CIV			J4
Security Specialist		CIV			J4
Security		CONT	x5398		J4
Security		CONT	x5398		J4
Security		CONT	x5398		J4
Generator Technician		CONT	305-797-1432		J4
	10				

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AIR OPERATIONS					
ASSIGNMENT	NAME	GRADE	Gov't Cell Phone or Contact Phone	Nextel Direct Connect #	Muster POC
Field Service LCPO		ABHC		159*53673*34	LCPO
Air Traffic Controller		AC1			LCPO
Air Traffic Controller		ACAN			LCPO
Ground Elect. Technician		ET3			LCPO
Ground Elect. Technician		ET2			LCPO
Airfield Manager		CIV	305-797-0294	158*42*1610	LCPO
	6				
PUBLIC WORKS					
ASSIGNMENT	NAME	GRADE	Gov't Cell Phone or Contact Phone	Nextel Direct Connect #	Muster POC
PWO		O-4	(305) 797- 4294	None	PWO

FS Director		WS13	(305) 797-4297	159*115384*6	PWO
FS Maintenance Ops Supervisor		WS10	(305) 797-4296	159*115384*5	PWO
PM Supervisor		WS10	(305) 797-4303	159*115384*9	PWO
Supervisor, Electrician		WG10	(305) 797-4298	159*115384*7	PWO
BSVE Director		GS12	(305)-797-4306	159*115384*11	PWO
	6				
U S ARMY SPECIAL FORCES					
Position 1		CIV			
Position 2		CIV			
Position 3		SSG			
Position 4		SFC			
	4				
SECURITY DEPARTMENT					
ASSIGNMENT	NAME	GRADE	Gov't Cell Phone or Contact Phone	Nextel Direct Connect #	Muster POC
Security Officer/EOC		O-3/4	305-797-4418	158*48*563	SECO
Operations Chief/EOC		E-7	305-797-0988	158*48*143	SECO
Monroe County/KW EOC		GS-9	305-304-2069		SECO
Patrolman		E-6	305-797-0119	158*48*103	SECO
Watch Commander		E-6	305-797-0986	158*48*142	SECO

NASKWINST 3440.1B

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Hurricane Coord/ EOC		MA2	305-797-1202	158*48*253	SECO
K-9 Patrol		MA3	305-797-1193	158*48*249	SECO
Watch Commander		MA1	305-797-4423	158*48*568	SECO
Patrol Supervisor		GS-6	305-797-4423	158*48*568	SECO
Patrol Supervisor		GS-6			SECO
Patrolman		MA2		158*48*566	SECO
Patrolman		MA2			SECO
Patrolman		MA2			SECO

Patrolman		MA2			SECO
Patrolman		MA2			SECO
Patrolman		MA2			SECO
Patrolman		MA3			SECO
Patrolman/Armorer		MA3			SECO
Patrolman		MA3			SECO
Patrolman		MA3			SECO
Patrolman		MA3			SECO
Patrolman		MASN			SECO
Patrolman		MA2			SECO
Patrolman		MASN			SECO
Patrolman/Armorer		MA3			SECO
Patrolman		GS-5			SECO
Patrolman		GS-5			SECO
Patrolman		GS-5			SECO
Patrolman		GS-5			SECO
Patrolman		MA3			SECO
Patrolman		GS-5			SECO
	31				

SUPPLY

ASSIGNMENT	NAME	GRADE	Gov't Cell Phone or Contact Phone	Nextel Direct Connect #	Muster POC
Warehouse Leader		WL-05			FISC OIC
Inventory Mgmt		YA			FISC OIC
	2				

7 Sep 10

WEATHER WARNING DEFINITIONS

1. Weather terminology used in NASKW warnings.

<u>Types of Destructive Weather</u>	<u>Corresponding Wind Speed and Weather</u>
-------------------------------------	---

THUNDERSTORM

Thunderstorms are forecast to impact the warning area. Expect winds gusting to less than 50 knots, lightning, and hail less than 3/4 inches in diameter.

SEVERE THUNDERSTORM

Severe thunderstorms are forecast to impact the warning area. Expect winds gusting to 50 knots or more, lightning, and hail greater than 3/4 inch in diameter.

TORNADO

A violent, rotating column of air. Wind speed estimates are between 100 and 300 knots.

TROPICAL CYCLONE Tropical system with winds 50 knots or greater. Heavy rains, thunderstorms, lightning, tornadoes, storm surge, and hail may also be expected.

SMALL CRAFT WARNING

Sustained winds 18-33 knots with higher gusts.

GALE WARNING

Sustained winds (non-tropical) between 34 and 47 knots.

STORM WARNING

Sustained winds (non-tropical) of 48 knots or greater.

WATERSPOUT A cloud in the form of a pendant extending down to and touching the surface of the water. Waterspouts are very common in the waters around South Florida.

2. National Weather Service (NWS) Warnings. NWS warnings should always be heeded and, in some cases, may serve as the only source of weather watches and warnings.

SEVERE THUNDERSTORM OR
TORNADO WATCH

Conditions are conducive for tornadic activity and/or severe thunderstorms within and close to the watch area.

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SEVERE THUNDERSTORM OR
TORNADO WARNING

A severe thunderstorm or tornado has been confirmed by observation or indicated by weather radar. Persons should take cover immediately. Those further away should take cover if threatening conditions approach.

TROPICAL STORM/HURRICANE
WATCH

Tropical Storm/Hurricane poses a possible threat to a specified coastal area within 36 hours.

TROPICAL STORM/HURRICANE
WARNING

Tropical Storm/Hurricane force winds are expected in a specified coastal area within 24 hours.

3. Warnings. Warnings of destructive weather will be issued in the following forms:

a. **Tropical Depression/Tropical Storm/Hurricane Warnings.** Issued by NAVMARFCSTACT (NMFA) Norfolk to the collective Hurricane Warnings Atlantic (HURRIWARNLANT) and received by all military communications centers within CNRSE Area of Responsibility (AOR).

b. **Local Area Warnings.** Thunderstorm, sonic boom, tornado/waterspout, storm, gale and small craft warnings are issued by NAVLANTMETOC DET Key West.

(1) NASKW will inform local units and local units take precautions that will permit appropriate protection of personnel and material on short notice. Naval Atlantic Meteorology and Oceanographic Facility (NAVLANTMETOCFAC) Jacksonville assumes the warning responsibility NASKW, when a forecaster is not available.

(2) Thunderstorm/Tornado Conditions:

(a) Thunderstorm/Tornado Condition II: Lightning, thunder, hail and destructive winds accompanying the phenomena are expected in the general area within six hours or is present within 25 miles.

(b) Thunderstorm/Tornado Condition I. Lightning, thunder, hail and destructive winds of force indicated accompanying the phenomena are imminent, within one hour, or within 10 miles of Boca Chica. An advance warning time of 20 minutes is desired to allow sufficient time for notification and precautionary action by local units. However, this is not always practical and host commands will

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inform local units as soon as possible with all units taking immediate precautions to protect personnel and material.

(3) Wind Warnings

(a) Storm Warning. Storm Force Winds is a term used for windstorms experiencing sustained winds of 48 knots or higher and are not associated with tropical cyclones. The optimum lead-time for a Storm Warning is 12-24 hours.

(b) Gale Warning. Gale Force Winds have sustained wind speeds of 34 to 47 knots and are not associated with tropical cyclones. The optimum lead-time for a Gale Warning is 12-24 hours.

(c) Small Craft Warnings: Small Craft Warnings are issued when sustained winds of 18-33 knots are expected within a 10 nautical mile radius of Boca Chica. The optimum lead-time for a Small Craft Warning is 1 hour. Warnings will be disseminated to designated activities via telephone or fax. Activities are responsible for their individual Standard Operating Procedures.

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Emergency Operations Center (EOC) Destructive Weather Guide

1. The NASKW EOC will serve as the central point of contact for all communications during a destructive weather event. The NASKW EOC will be tasked with communicating the setting and attainment of CORs with NASKW departments and tenant activities; relaying information to and from CNRSE ROC; and communicating with the ECC during evacuation events.

a. Location. The primary NASKW EOC is located inside the command building (A-324) Boca Chica Field. The EOC is designed to be mobile and EOC personnel may be forced to relocate for safety reasons depending on the size, strength and anticipated impact of a hurricane. Three alternate EOC sites include the Key West City police department, Monroe County Jail, and the Monroe County Government Building. These sites will also serve as EOC sub-centers during a destructive weather event and may be manned (as needed) by NASKW personnel. The location and contact information for the EOC sites is provided below:

(1) Primary EOC:

Naval Air Station Key West, Building A-324.
Telephone: (305) 293-2268; DSN 483
E-mail at naskw.ioc.frt@navy.mil

(2) Alternate EOC and sub-center:

Key West Police Dept, 1604 North Roosevelt e
Telephone: (305) 809-1100
Telephone to Radio Desk: (305) 809-1080

(3) Alternate EOC and sub-center:

Monroe County Government Bldg., Marathon
Telephone: (305) 289-2660

(4) Alternaternate EOC and sub-center:

Monroe County Jail, Stock Island
Telephone: (305)-293-7325

b. Staffing. The personnel operating the NASKW EOC and EOC sub-centers must be identified as Category A, Key and Essential personnel within enclosure (13). As Category A personnel these people will not evacuate and will stay in Key West at a local hurricane shelter designed to withstand severe hurricanes. At a minimum EOC manning will consist of following personnel:

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Commanding Officer, NASKW
 NAVFAC SE Public Works Officer
 NAVFAC SE Public Works Engineering Director
 Security Officer
 Fire Chief
 NASKW Emergency Manager
 Hurricane CDO
 Ground Electronics Officer
 2 County/City Liaison Officers
 2 Active Duty Recorders
 2 Hospital Corpsmen
 2 Civilian Dispatchers

c. Operations. As the primary point of contact during a destructive weather event, the NASKW EOC must be informed, readily accessible, flexible, and mobile. The EOC must maintain contact with all departments, tenant commands and CNRSE ROC during hurricane preparations and sheltering events. The EOC must also communicate (when possible) with the ECC during evacuation events. Additionally, the EOC must communicate with those commands that are under the NASKW Area of Responsibility (AOR), but geographically distant from Key West.

(1) NASKW Departmental watch stations: Department watch stations may be utilized during a destructive weather event in order to provide immediate updates and necessary information to the EOC before, during, and after a weather event. These watch stations may be manned at the direction of the Commanding Officer. The contact information for the Department watch stations is provided below:

<u>Department:</u>	<u>Station:</u>	<u>Telephone:</u>
Fire Rescue	Dispatch	2776
Security	Dispatch	2114/2531
ACC	Duty Office	745-3957
Public Works	Electric Shop	2245
Public Works	Maintenance	2210/2136
Public Works	Trouble Desk	2519
Public Works	Transportation	2226
Security	Front Gate	2803
Naval Munitions Command	Weapons	2653/3648
NCTS	Communications	2999/2222
USCG Station	KW	292-8727
Fire Rescue	Trumbo Point Annex	4334
Fire Rescue	Truman Annex	5293
JIATF South	Command Post	5791/5719

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(2) AOR Command Centers (Geographically remote). Each of the following units will be considered a separate command center. Coordination will be exercised by telephone while it is possible and with message backups whenever possible.

a. Navy and Marine Corps Reserve Center, Miami, FL, (305) 628-5150/5155 Fax (305) 628-5156.

b. Navy and Marine Corps Reserve Center, West Palm Beach, FL, (561) 688-7888.

c. Naval Recruiting District, Miami, FL, (305) 591-8696 Ext. 119, Fax (305) 591-8696.

(3) Communications. EOC communications will be facilitated by telephone and/or e-mail as long as possible. As an alternate, VHF command radios may be used. The ELMR command radios are located at the primary EOC location in the command building (A-324) Boca Chica Field.

a. Radio Frequencies and Call Signs. The Hurricane Net will be Zone C Channel 1 on the ELMR radios. ELMR radios may be used as a form a communication during a destructive weather event. Units providing direct hurricane support will use their "CHARLIE" call sign appropriate to their function(s). Non-hurricane business will not be authorized on this net and strict radio procedures must be adhered to. The EOC will function as Net Control. Standard Navy voice procedures from effective Joint Army Navy Air Force Publications/Allied Communication Publications (JANAP/ACP) shall be used on all transmissions, and a log of all transmissions and receipts of messages shall be maintained. Ground Electronics shall conduct the test as Net Control and report results by email to the NASKW Emergency Manager. The Hurricane Net voice call signs are common terminology by duty position.

RAPID DAMAGE ASSESSMENT FORM



Inspection:

Inspector Name: _____ Date: _____

Affiliation: _____ Time: _____ ☐ AM ☐ PM

Areas Inspected: ☐ Exterior Only ☐ Exterior and Interior

Building/Facility Description:

Activity Name: _____ Zone: _____

Building/Facility No: _____ Facility Type: _____

Address /Nearest Intersection: _____

Building POC: _____ No. of Stories Aboveground: _____ Basement: ☐ Yes ☐ No

Structure Type: ☐ Masonry ☐ Wood ☐ Steel ☐ Concrete ☐ Pre-Engineered Bldg. ☐ Other: _____

Roof Type: ☐ Shingle ☐ Metal ☐ Flat/Built-up ☐ Other: _____

Exterior Finish: ☐ Vinyl ☐ CMU ☐ Brick ☐ Concrete ☐ Metal ☐ EIFS ☐ Wood ☐ Other: _____

Evaluation:

General Observed Conditions:

Bldg: ☐ Collapsed ☐ Partially collapsed ☐ Building off of foundation ☐ Building significantly out of plumb

Roof: ☐ Entire Roof Missing/Collapsed ☐ Roof Structure/Deck Damaged ☐ Roof Envelope Compromised

Water: ☐ Rising water damage (_____ inches above ground floor) ☐ Interior damage from wind-driven rain

Damage Assessment:	None	Affected		Minor	Major		Destroyed
	0%	5%	10%	25%	50%	75%	100%
• Structural Damage	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
• Flood Damage	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
• Roof Damage	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
• Flashing & Trim Damage	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
• Window/Glazing Damage	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
• Wall Damage	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
• Interior Finishes	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
• Interior Contents/Equipment	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Overall General Assessment of Total Loss: _____%

Posting:

Choose posting based on the evaluation and team judgment. Severe conditions endangering the overall building are grounds for an Unsafe Posting. Localized Severe and overall Moderate conditions may allow a Restricted Use posting.

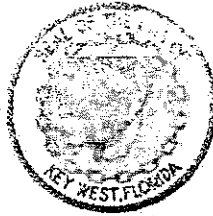
☐ INSPECTED (Green Placard) ☐ RESTRICTED USE (Yellow Placard) ☐ UNSAFE (Red Placard)

Record any use and entry restrictions: _____

Further Action Required / Field Notes: (Use back of Form for Sketches & Additional Notes)

Photos Taken: ☐ Yes ☐ No (Record Photo Numbers)

Enclosure (15)



THE CITY OF KEY WEST

Post Office Box 1409 Key West, FL 33041-1409 (305) 809-3700

March 13, 2012

VIA ELECTRONIC AND U.S. MAIL

Attn. Mark Lavin
SVP Navy Portfolio, Balfour Beatty Communities
381 Gainsborough Rd.
Virginia Beach, VA 23462

RE: Hurricane Evacuation History at Peary Court

Dear Mr. Lavin,

On February 28, 2012, the City of Key West Planning Department received an email from you requesting a summary of outstanding information with respect to how hurricane evacuation is managed at Peary Court (Attachment 1). This letter has been prepared in response to your email, as well as outstanding information from the February 23, 2012 Development Review Committee (DRC) meeting. As part of the February 23, 2012 DRC package, City staff received a letter prepared by the Department of Economic Opportunity's Areas of Critical State Concern Administrator on this topic (Attachment 2). Based on the information that has been provided, the City would like confirmation as to when residents of Peary Court have historically evacuated during hurricanes; specifically, whether they evacuate with the tourist population or the permanent population.

Respectfully,

Donald Leland Craig, AICP Planning Director

Attachments:

Attachment 1: February 28, 2012 Email
Attachment 2: DEO Letter

C: Ron Demes, Executive Director/Business Manager Naval Air Station Key West
David Paul Horan, Esq.
Shawn Smith, City Attorney
Larry Erskine, Chief Assistant City Attorney
Mark Finigan, Assistant City Manager

Attachment 1

Ashley Monnier

From: Mark Lavin
Sent: Tuesday, February 28, 2012 4:46 PM
To: 'dcraig@keywestcity.com'; 'amonnier@keywestcity.com'
Cc: Leslie Cohn; 'Demes, Ron A CIV CNRSE, N02'; Ted Lipham; 'Carson, Christopher CIV NAVFAC SE'; 'David P. Horan'; 'jscholl@keywestcity.com'
Subject: DRC follow up

Mr Craig and Ms Monnier, during the 23 Feb DRC meeting the issue of hurricane evacuation modeling information for Peary Court and as I understand your information need, you needed to know whether the military residents at Peary Court would evacuate with the transient evacuation or with the permanent member's evacuation. Please advise if this is the specific request.

I spoke to both Ron Demes and the CO following the DRC meeting and they related to me that there was going to be meetings with the state DEO this week concerning this very topic.

Ron Demes assured me that he would be able to reduce to writing the response that you need.

If you could reply to all with the exact response you need from Navy, Mr Demes will accommodate.

Thank you for your efforts in expediting this rezoning and land use change for Peary court.

If there are any questions please feel free to contact me at the number below.

Mark J Lavin

SVP Navy Portfolio, Balfour Beatty Communities

757-615-5536 mlavin@bbcgrp.com

Website bbcgrp.com

Attachment 2

Rick Scott
GOVERNOR



Doug Darling
EXECUTIVE DIRECTOR

January 20, 2012

Mr. Jeff Green
Gulf Coast Development Manager
Balfour Beatty Communities
3502 East Eighth Street, Bldg 452
Gulfport, Mississippi 39501

Dear Mr. Green:

Thank you for your recent inquiry regarding hurricane evacuation in the City of Key West. Specifically, you have asked the following questions:

1. *How have the 157 units at Peary Court been incorporated into the Hurricane Evacuation Model?* Hurricane modeling is based upon block group data from the census. Information regarding the number of dwelling units, the number of cars that will be driven during an evacuation and whether or not a particular unit is occupied during hurricane season is derived from census data. In 2009, the Department of Community Affairs contracted with Dr. Earl J. Baker, Florida State University, to conduct behavior surveys to update the model. The following response is an excerpt from the study conducted by Dr. Baker.

Evacuation of Military Installations

"At the suggestion of Monroe County Emergency Management, a representative of Key West Naval Air Station was interviewed with respect to the installation's evacuation procedures. Although there are other military installations in the Keys, the Naval Air Station is the largest, and procedures followed by others were thought to be similar. Jim Brooks, the Public Information Officer, was interviewed.

There are 1,676 uniformed military personnel in the Keys, including all installations, with 1,015 family members. There are up to 459 military training personnel *in addition* who would be flown out in an evacuation. Other personnel and their families would drive their own vehicles in and evacuation. Up to 100 would remain on base. Civilians assigned to the base number 848.

The Caldwell Building 107 E. Madison Street Tallahassee, Florida 32399-4120
850.245.7105 TTY: TDD 1-800-955-8771 Voice 1-800-955-8770 FloridaJobz.org

An equal opportunity employer/program. Auxiliary aids and services are available upon request to individuals with disabilities. All voice telephone numbers on this document may be reached by persons using TTY, TDD equipment via the Florida Relay Service at 711.



No one would evacuate prior to an evacuation order being issued by the County. (The exception presumably would be personnel removing equipment.) Salary and expenses would be paid during an mandatory evacuation, and NAS reserves hotel rooms in Orlando for personnel and dependents. Mr. Brooks estimated that 90% of personnel and families would leave within 6 hours of the evacuation order and 98% would be gone within 12 hours.

His general impression was that vehicle ownership would be comparable to the general population. It is possible that a larger percentage of available vehicles would be taken in an evacuation because certain personnel would be required to return to the base within 24 hours of passage of a hurricane."

3. *Does the hurricane evacuation model reflect the existing civilian component, as well as the proposed civilian component under new ownership?* The model is based upon how a person responds to census questions taken at ten year intervals regarding whether they live in a household or in group quarters. The software entries would have been determined by the 2000 Census. If residents within Peary Court answered census surveys indicating they lived within a "household," the unit would have been counted. For residents of barracks and other group quarters, no unit counts were developed because the starting assumption was that all group quarters residents (including military) would be evacuated ahead of any general evacuation order. Group quarters would include prisoners, residents of nursing homes, people in hospitals and other medical facilities, as well as the military personnel living in group facilities on the base.

In conclusion, it would be my assumption that the units have been counted as dwelling units in the evacuation models. If you require additional information, please contact (850)717-8494.

Sincerely,



Rebecca Jetton, Administrator
Areas of Critical State Concern

Exhibit 4

Minutes of the Development Review Committee of the City of Key West

February 23, 2012

Approved – March 22, 2012

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Call Meeting To Order

Don Craig, City Planning Department Director, called the City of Key West Development Review Committee (DRC) Meeting of February 23, 2012 to order at **10:02 am** at Old City Hall, in the antechamber at 510 Greene Street, Key West.

Pledge of Allegiance to the Flag

Roll Call

DRC Member or Designated Staff	DRC Representative	Present	Absent
ADA Coordinator	Diane Nicklaus	X	
Building Official	John Woodson / Wayne Giordiano	X	
Community Housing	Omar Garcia		X
Department of Transportation	Myra Wittenberg / Carolyn Haia		X
Fire Chief	Alan Averette	X	
Florida Keys Aqueduct Authority	Marnie Walteson	Written comments	
General Services/Engineering Director	Doug Bradshaw / Elizabeth Ignoffo	X	
HARC Planner	Enid Torregrosa		X
Keys Energy	Matthew Alfonso / Dale Finigan		X
Landscaping Coordinator	Karen DeMaria / Paul Williams	X / X	
Planning Director	Don Craig	X	
Police Chief	Steve Torrence		X
Public Works	Greg Veliz		X
Sustainability Coordinator	Alison Higgins		X

Also present:

Agency / Department	Name	Present	Absent
FEMA Coordinator	Scott Fraser	X	
Planning Department	Ashley Monnier	X	
Planning Department	Brendon Cunningham	X	
Planning Department	Nicole Malo	X	
Planning Department/Recording Secretary	Jo Bennett	X	

Approval of Agenda

Actions/Motions:

Mr. Craig stated he had a request from the applicant to move item #8 to first action item due to applicant having another meeting schedule for noon in Marathon.

A motion was made by Mr. Steve Torrence, seconded by Mr. Alan Averette, that the minutes be **Approved** moving item #8 to first in the agenda. The motion **Passed** by a unanimous voice vote.

Approval of Minutes

1 January 26, 2012 Minutes

Actions/Motions:

A motion was made by Mr. Steve Torrence, seconded by Mr. Alan Averette, that the minutes be **Approved**. The motion **Passed** by a unanimous voice vote.

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Discussion Items

- 8 Comprehensive Plan Amendment: Consideration of a Future Land Use Element and Future Land Use Map amendment for military property located at Peary Court (RE# 00006730-000000) to one of the following designations: Planned Redevelopment District (PRD), Historic Planned Redevelopment District (HPRD), Medium Density Residential (MDR), Historic Medium Density Residential (HMDR), or a hybrid of these designations.**

Staff Report:

Ashley Monier presented the project. Ms. Monier stated that this is the second DRC meeting where the Peary Court Future Land Use Designation change has been on the DRC agenda. Ms. Monier stated that is on this agenda again because we wanted to supplement the information that was provided at the January 26, 2012 DRC Meeting. Ms. Monier stated that since that time the applicant has provided substantial amount more of additional information to help inform potential impacts that may be brought into the City as a result of the ownership change of this property from military to civilian. Ms. Monier added that part of what to be discuss today is what those potential impacts may be based on the DRC's view of the additional information, as well as additional discussion of the process and where this project is headed. Ms. Monier stated reminded the members that at the last meeting Mr. Demes mentioned that this is a very unique type of project. Ms. Monier added that this is something the members may not see again or may not have experience with processing in the past because it doesn't follow the typical disposition or accessing requirements such as what might be under the 288 or the McKinney Act. Ms. Monier stated that as such we are doing our best under the circumstances to try to expedite this project through the State Coordinated Review process and then bring it through subsequent rezoning process. Ms. Monier stated that this is the Future Land Use consideration at the DRC. Ms. Monier added that once it goes through that State coordinated review process, it may come back to the DRC with the LDR change for the actual zoning. Ms. Monier reviewed the the information that had been received since the last DRC meeting, the Department of Economic Opportunity has provided information with respect to how the 157 units are incorporated into the hurricane evacuation model. Ms. Monier stated that Staff has some questions still that remain with respect to actually when the residents there are evacuating and that is something that we can still continue to work with the applicant to try to get a better handle on. Ms. Monier stated that information has been received with respect to the construction codes that were utilized and also a little bit more information with respect to how this property will meet concurrency requirements and the capacity that we have in both our sewer sanitary, sewer solid waste and stormwater requirement. Ms. Monier added that Elevation Certificates have been provided since the last DRC and have been reviewed. Ms. Monier stated that a survey has also been received that it is believed to be updated. Ms. Monier requested that an original be provided.

Applicant:

Paul Horan of the law firm of Horan, Wallace and Higgins and Mark Lavin with Southeast Housing, which is a division of Balfour Beatty. Mr. Horan stated that they had a couple of issues that need to be addressed by the DRC. First, is that, although we have been talking about 157 units, that one of the three-unit complexes burned down a few years ago. It was located by the Confederate cemetery on White Street and we believe that from now on the consideration should be for 160 units, not 157. We believe those should legitimately be included. The other thing to have addressed, is a letter of February 01, 2012 from Mr. Craig having to do with some FEMA issues and one of them was that the later stated that after examining the newly arrived elevation certificates, staff has determined that there are 26 dwellings where the AC units are below the base flood elevation level. Mr. Horan stated that typically, they are a few inches below BFE and, in some cases, as much as half a foot low. Mr. Horan stated that based on the fact that after a certain

Minutes of the Development Review Committee of the City of Key West

February 23, 2012

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period of time when things are put in the ground in Key West, they will subside a little bit and this subsidence has, in fact, put us in the position where those units are, you know, that far below base flood elevation. I do not believe that there is any rational way to look at this as being noncompliant with the City of Key West and that the City of Key West loses some kind of an advantage it might have being a preferred community under the FEMA guidelines. Mr. Horan stated that this is one of those things where it really does not make any sense at all to turn around and say, okay, you have got to do that. Mr. Horan added that that there would be no problem whatsoever in putting something in there that says if any air conditioning work has to be done or if a building permit for the unit has to be executed, or whatever, then the unit has to be brought up. But to bring them up under the current way it's done would require a tremendous amount of work. You have got to pump down the Freon in the unit. You have got to bring it up and do your pipe connections and all this kind of stuff and that just makes no sense whatsoever. Mr. Horan stated that he really want to go ahead and get that particular thing looked at by the DRC. Mr. Horan stated that a restriction could be added that when a unit is replaced they will be brought up. Mr. Horan stated that another thing had to do with the little louvers on the non-habitable storage. Mr. Horan stated that was pointed out as something that we needed either to put them in or it had to be addressed as some type of FEMA variance. Mr. Horan stated that an eMail should have been received by the City stating that there is no need for a variance on something like that. When we did the walkthrough, there was no problem because we were told that when we do any work on the units, put the louvers in, and that will be done. Mr. Horan also asked about some language about certificates of occupancy being issued by the City which has caused concerns and needs to be addressed. Mr. Horan and Mr. Lavin remained to respond to questions.

DRC Member Comments:

General Services/Engineering Director –

Ms. Ignoffo mentioned that that it is her understanding that the sewer laterals will not be transferred to the City. Ms. Ignoffo added that individual sewer laterals need to be provided to each unit and that the billing for sewer, if individual water meters were installed, could be based on flow to each unit. Ms. Ignoffo also stated that it is the City's understanding that the road will not be conveyed to the City. Mr. Horan responded that it is his understanding that the property is currently on a on a master water meter and discussed master meter billing. Ms. Ignoffo responded that there's actually a sewer meter, in line at the pump station so the flow would be based on 80 percent of the water flow and then divided per unit.

ADA Coordinator – Ms. Nicklaus reminded the applicant that they will have to provide something in writing that states what their plan is to address the ADA issues with the sidewalks and ramping and when they intend to come into compliance. Mr. Horan responded that they are not going to be conveying the roads to the City therefore they are not going to be in that particular queue with regard to coming back into compliance. Ms. Nicklaus suggested that the applicant move forward with submitting a letter to the City's Chief Building Official stating their intent to come into compliance.

Police Chief – Mr. Torrence stated that he was just concerned that from White Street to Palm Avenue, if there is a cut-through there is a concerned about the increase in traffic. Mr. Torrence stated that Instead of people going around, they are just going to be shooting through that development. Mr. Torrence also asked the applicant to make sure that all the houses have proper addresses on them and there are street signs, so that public safety can find it.

Sustainability Coordinator – Ms. Higgins reminded the applicant that Keys Energy does the free audits to let you know how each house can be made more affordable, more green, for the people and ask them to make sure that those get done for all 157/60 units. Mr. Horan responded they

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planning for each unit to be individually metered and that they will work with Keys Energy. Ms. Higgins also inquired if recycling will be addressed. Mr. Horan responded that it would be.

FEMA Coordinator – Mr. Fraser stated that he had good news to report since we last met and that's that, having reviewed all the elevation certificates for all the structures on this property, every one of them is at or above the floodplain. And that's for the dwelling units and the commercial buildings, the main structures. Any other deficiency beyond that pales in comparison because that was the largest concern. The deficiencies that remain involve some of the air conditioning units, approximately 26 of them, that are below the flood level. Because, if you look at the structures out there, you'll see that the slabs are at one level and then the air conditioning units are a few inches below that. And, ideally, they would have been at or above the level of the slab and then we wouldn't be discussing them today. There is a way administratively that we can rectify the additional cost that would be incurred for getting new elevation certificates to replace the ones that have already been done for these 26 units. The problem with the elevation certificates that have been paid for and been completed is that if the machinery, in this case the air conditioning, is below flood, then how do we know it's above flood absent another elevation certificate, to show that the rectified height is now in accordance. But administratively in this scenario, we can accomplish that by utilizing a section on the elevation certificate for community information, because the professional surveyors have already determined that the slabs are above the flood level. So, by going out and visually looking at the newly elevated air conditioners, we can administratively say we know they are above flood because they are above the level already measured by the professional surveyors. And that should save considerable amounts of money for the applicant by some relatively minor activity by the staff. In addition to the low air conditioning units, the storage units are well below the slab, so, by default, well below the flood level. And it's unfortunate that these small-enclosed areas are wholly enclosed, because that makes them a storage unit below the floodplain, even though they are not much larger than two trash cans can fit inside, but in FEMA's eyes they are enclosed structures. And, therefore, since they are not habitable structures, flood vents are required. And the size and shape and position of them is determined by the area of the enclosure. And then lastly there are the guard shacks, which I've been told will be removed. They would be noncompliant with the flood area basically because they are not elevated and they don't have flood vents. Mr. Fraser stated that if they are to be removed, then it's going to be a nonissue. We get into the issue of whether these things can be grandfathered, these deficiencies. And really the City doesn't want to be in a position where it assumes these deficiencies. FEMA is surely a bureaucratic monstrosity but it's one from which the residents of the City benefit and we have, as a community, received more from the National Flood Insurance Program than we have paid into since its inception here in the '70s. Mr. Fraser continued stated that while we struggle with regulations and with compliance, the alternative would not be pretty for the City because insurance on the commercial market would be ten to twenty times more expensive. In the eyes of FEMA, absorbing this property is much akin to an annexation. And for us to accept any property into the City with these deficiencies, we might well have approved the deficiencies at construction as to accept them now, because the burden of those deficiencies is going to fall upon the City. And how will that injure the City? Well, the stick that FEMA holds over the City and its residents is being part of the National Flood Insurance Program. And, if we don't adhere community wide to the requirements of that program, they will suspend us from that program. And, not only do insurance rates sky rocket, but there are many, many consequences that would wreck economic havoc upon the community because of that. But, beyond the basic compliance with the National Flood Program, we are also as a City pursuing what's called a CRS, or Community Rating System discount, which could garner every policyholder upwards of a discount of ten percent. But, in order to achieve that, we need to, A, be in compliance with the program at its very basic level, and then we need to go through a lot of process and procedures to go beyond the scope of the basic level of compliance. Mr. Fraser stated

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that this September we're expecting FEMA to come in and do a community assessment visit, where they rate our compliance. And the very first thing FEMA does in one of these community assessment visits is ask for any floodplain variances that have been issued, because that's their primary concern. And the reason for that is that they want to make sure a community didn't adopt its regulations only in theory to appease FEMA and then just go issue blanket variances or exceptions to make compliance moot. The City, to my knowledge, has never issued a floodplain variance, so this very first one would not be a favorable one to garner their attention. There are no grandfathering provisions within the National Flood Insurance provision for anything built after October 19, 1974. And the exception to the requirements would have to come through the variance process.

Mr. Horan responded to Mr. Fraser's comments, stating that FEMA is very similar to ADA that the correlation between the two is just incredible. And that is, I don't think there is any way to get there from here. The City is actually looking at and has, for some period of time, annexing Key Haven, which is where I live. You have got the entire A and B section of Key Haven that's below floodplain. Mr. Horan asked "Are you meaning to tell me that when you annex Key Haven, you're going to have to consider floodplain variances for the entire A and B section of Key Haven, and that makes you out of compliance and it costs the people of Key West ten percent on that or sky rocketing twenty times over their FEMA flood insurance?" Mr. Horan stated that is totally patently ridiculous. Mr. Horan stated that he has worked with FEMA, with the County, and they have now blinked big time with regard to some other issues having to do with endangered species and some other things that we have been working on. FEMA is not that -- are the most bureaucratic people I have ever seen, except for possibly the Navy, but think about this. The government is going to discriminate against the City because the City took government housing that was okay and then they are going to say, oh, no, that's noncompliant. We're not going to apply for a floodplain variance. There is no need for us to do so. Why would you, the City of Key West, ever consider going ahead and entertaining floodplain variances on inches on air conditioners when all you have got to do is say, When you replace that, bring it up to the thing that didn't subside, the main floor pan, for all those units. We'll do that. That's not a problem. But, for God sakes, don't put yourself in the position where you are considering issuing a floodplain variance, which is going to yell to FEMA come reevaluate the entire City of Key West. That doesn't make any sense at all. As far as the guard shacks are concerned, they are not habitable structures. If they are fully enclosed, we'll take a door off. Then they are not enclosed. But to turn around and say, Well, you have got to bulldoze those on the day you convey the property to a private owner, that doesn't make any sense. And as far as the floodplain, 26 units, it isn't 26. It's actually something like 78 because there's three air conditioners per unit, I mean, per, you know, tri-plex. So, we're talking about a bunch. We're talking about a lot of money and we're talking about a lot of Freon that is going to escape and all this. It doesn't make sense. For that reason, that's what the DRC is here to do, go ahead and look at this and go, You know, that just doesn't make good sense and why should we go ahead and embark on a variance procedure. You haven't done it in the past. Please don't start now.

HARC Planner – Mr. Craig stated that all of the existing structures on-site are non-historic in nature and, therefore, would not have to meet the requirements of HARC. Mr. Craig stated that there are archeological resources on-site, which have been evidenced by prior analysis by the federal government, and we are in receipt of the copies of that material, which we are currently verifying. Mr. Craig added that the basic part of that determination was that the entire site could be built upon with the exception of the Peary Court Cemetery and a certain buffer area adjacent to that. Mr. Craig stated that is within the communication from SHPO and the consultant hired by the federal government. Mr. Craig stated that there are some underground resources that are identified by that analysis and that analysis will be a key piece of information in our library and

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should, in the future, additional structures or remediation or additions to structures would occur, we would refer to that mapped resource and that inventory. Mr. Craig stated that so, in sum, that is not a concern of HARC. Mr. Craig added that one of the things that you should realize, though, is that one of the potential zoning designations for this property is HMDR, Historic Medium Density Residential and that is being considered because of the history of the City applying a similar designation to a part of the Truman Annex property, which the City received in anticipation of residential development occurring on a part of that and the desire of the City to make sure that development within that HMDR district, even though it would be new, would be consistent with the surrounding existing historic neighborhood. Mr. Craig stated that the same circumstance occurs here so, that in future, there may be a cursory type of review by HARC for consistency with the adjacent neighborhood, but it would not be the same level of review by HARC. Mr. Craig stated that may be reflected in the Future Land Use Map designation as well as the zoning.

Planning Director – Mr. Craig stated that with regard to the FEMA issues, and I'll get into the planning issues in a minute, regardless of the common-sense approach that you've espoused, which I can agree with, we are faced with the fact that the federal government has particular rules and regulations which we cannot accept. There may be a way, however, of understanding that and making headway with FEMA. We are in communication with FEMA on a regular basis dealing with issues such as this and this may be one of those very special circumstances which FEMA may recognize. I have been giving it some thought and one of the things that you and one of the potential purchasers identified was a special development agreement that you may or may not be proposing for the project. One of the things that could be entered into in a development agreement, if that be between the City, the State, under a 380-agreement for certain purposes that your special counsel understands, and the City would be a paragraph and an understanding that at a time certain, a number of years, or with the improvement of a particular property, those structures would be brought into compliance. And, for the period of pendency of that improvement, there may be a way of exempting the property owner from reimbursement due to damage caused by those flood structures or structures not meeting the requirement. So, what I'm giving you is a statement on the part of the Planning Department that we will investigate a way of solving the issue. It may require a variance if it's justifiable, simply because of the process required. But we understand the circumstances which you find yourself. And, as in my last eMail to you last evening, it was that if a variance is required and sufficient justification can be provided by the evidence, then it would be something that the City could then defend with FEMA. So, I'm not going to give up on coming to a reasonable common-sense solution, and I have given several avenues. We'll further go into those as the Planning staff gets into the analysis for the FLUM. With regard to the one standing planning issue that I have identified that was briefly discussed by Ashley, it involves hurricane evacuation and a very finite but important point. Though DCA wrote a letter to us saying that Peary Court is considered, are considered households, and that they would be required to respond to a mandatory evacuation, the issue is which evacuation. Is it the evacuation that's required of transient units or permanent units? It's a very fine point but it's important and the reason is that the comprehensive plan for the County, with which the City must be consistent according to its own comprehensive plan, lists military housing to be evacuated at the time of transient evacuation versus permanent. So, if evidence can be presented that, regardless of the County policy, past military policy has been that they evacuate at the time of permanent dwelling units, then the possibility of an impact on the City's hurricane evacuation modeling will be less, perhaps zero. So, that's the issue that we need to have responded to in this process as we move forward to the Planning Board and to the City Commission. Those are my only comments with regard to Planning.

Mr. Horan responded to Mr. Craig's comments. We have looked into that issue of whether we evacuate as transient or as permanent and, fortunately, the City has a resource that most cities

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wouldn't have, and that is the City Manager just happens to be a former commanding officer at Boca Chica, and he will be happy to testify under oath that it was evacuated on the general evacuation, not on transient. It was a general evacuation and has always been that. Ron Demes, who has been here forever, would do the same thing. So, I can tell you that there is no impact with regard to hurricane evacuation. And I'm sure that you realize that that hurricane evacuation is inextricably intertwined with the ROGO issue and all this, and we really do not have a ROGO or a BPASS issue with regard to this either. So, based on that, I think that that is going to resolve itself. The other thing is the special development agreement, and we have spoken with the group that is right now looking at the issue much closer than anybody else is, and they are definitely working towards that. I think they met with City staff on some of those issues. And we can definitely address those particular issues under the special development agreement. I would hope that the idea of applying for floodplain variance, which would really put us on the map as far as FEMA is concerned, would be the last feasible alternative we should pursue, because it's been my experience that that would be a real dangerous position for the City to take with regard to variances.

Mr. Craig concluded stating that has to be put in writing because the Planning Board members and the City Commission would be interested in that particular issue and, as we proceed ahead with the hurricane evacuation workshops in the next several months, we need to put that issue to bed in writing. Mr. Craig concluded that the next step is the Planning Board meeting.

Keys Energy – Mr. Craig reminded the Commission members concerning the letter from Keys Energy Services which was included as part of the meeting package.

There were no additional Committee member comments for the record.

Public Comments:

- > Steve Dawkins – 1212 Angela Street
Asked that the fence remain. Mr. Horan responded that the plan is for it to remain.
- > Cynthia Domenech-Coogle – 1006 16th Terrace
Reminded everyone that health of the trees on the property needs to be monitored.

2 Variances – 812 & 814 Baptist Lane (RE# 00014520-000000) - A variance application for side and rear-yard setback requirements in the HMDR zoning district per Section 122-600 (6) b. & c. of the Land Development Regulations of the Code of Ordinances of the City of Key West.

Staff Report:

Brendon Cunningham presented the variance application. Mr. Cunningham stated that this is a re-visit of this variance application. Mr. Cunningham added that the applicant had also entertained applying for a vacation of City property but has since re-thought that approach and made changes in their plans as appropriate by reducing the scope of their plan.

Applicant:

Ty Symroski, Chris Liddle, and Cynthia Domenech-Coogle presented the application for a rear setback variance. Mr. Symroski stated that they have revised their plan, which allows them to withdraw the Vacation of Property request, and minimized their need for a setback variance. Mr. Symroski described the work that is planned to take place on the property, which will include improvements to for the property parking. Mr. Symroski concluded that he feels this project will improve the property greatly. Mr. Symroski, Mr. Liddle, and Ms. Domenech-Coogle remained to respond to any questions from Committee members.

	<p>Public Comments: There were no public comments.</p>
3	<p>Comprehensive Plan Amendment: Consideration of a Future Land Use Element and Future Land Use Map amendment for military property located at Peary Court (RE# 00006730-000000) to one of the following designations: Planned Redevelopment District (PRD), Historic Planned Redevelopment District (HPRD), Medium Density Residential (MDR), Historic Medium Density Residential (HMDR), or a hybrid of these designations.</p> <p>Staff Report: Ashley Monnier introduced the project on behalf of the City Planning Department. Ms. Monnier stated that this action is a result of the property transitioning ownership from military to private. With that in mind, Ms. Monnier stated that the City has taken action with the zoning in progress, which resulted in the numerous designations read into the record by Mr. Craig. Ms. Monnier stated that once the sale is completed the property would be placed in an interim zoning district until such time the final appropriate zoning determination and zoning process can be completed. Ms. Monnier stated the Planning Department also is interested in learning more about the following:</p> <ul style="list-style-type: none"> ➤ Hurricane Evacuation Plan Modeling ➤ When hurricane evacuations occur ➤ How the hurricane evacuations occur ➤ Level of service standards and potential concurrency impact ➤ Construction codes at the time of construction ➤ Potential impacts to emergency services <p>Ms. Monnier concluded that the City Planning Department expects to continue to work with the Navy and Balfour Beatty to insure a smooth transition of the project.</p> <p>Applicant: Ron Demes, Naval Air Station owner representative. Mr. Demes explained what is taking place concerning this property. Mr. Demes stated that the property is currently leased to Balfour Beatty. Mr. Demes stated that he had anticipated a letter addressing the City's request would have already been delivered to the City. Mr. Demes remained to respond to any questions from the DRC members.</p> <p>DRC Member Comments: FEMA Coordinator – Mr. Fraser stated he participated in a site visit in October 2011 and listed the following items which need to be addressed:</p> <ul style="list-style-type: none"> ➤ Elevation Certificates from a Florida licensed land surveyor are required for every dwelling building (slabs, not individual units/addresses) and commercial structure, including the guard shacks. Mr. Fraser recommended that on the Elevation Certificates, the addresses should be ranged to include all street addresses shared by the single building. Thereby, making a single certificate applicable to every dwelling unit sharing the same slab. ➤ Determine if the numerous air-conditioning compressors are in fact below BFE, and should be elevated. ➤ Installation of at least two appropriately sized flood vents in each of the accessory storage enclosures attached to the carports. If engineered flood vents are used, a Florida licensed engineer must certify them. ➤ Installation of flood vents in the two guard shacks or removal of the structures. ➤ Ascertain, specifically, the elevations of the large commercial building currently occupied by a credit union, to determine compliance status.

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Landscape – Ms. DeMaria stated she also participated in the site visit in October 2011 and has placed a memo in file concerning the trees, which may need to be addressed in the development.

Keys Energy – Mr. Alfonso stated that they had sent a letter dated January 17, 2012, detailing their comments. Mr. Alfonso also inquired about a pole and line that runs through the property. Mr. Demes reminded Mr. Alfonso that the easement is about to expire. Mr. Demes stated he expect the easement to be renewed.

Planning Department – Mr. Craig acknowledged the City Planning Department has received a copy of a letter dated January 17, 2012 from Keys Energy Alex Tejeda to Jeff Green of Balfour Beatty concerning the conversion from the master meter to individual meters. Mr. Craig stated that this would go to the Planning Board as soon as all the requested information has been received by the Planning Department.

HARC – Ms. Torregrosa ask for site plans showing the old historic wells.

Engineering – Ms. Ignoffo state that her comments are not directed toward the zoning as much as concerning the roads, water, waste management, storm water, and sewer infrastructure needing to be addressed.

ADA – Ms. Nicklaus stated that she is sure there is a need for ADA improvements on the property. Ms. Nicklaus also stated that there was a letter on file outline

Fire – Mr. Averette stated he had no additional concerns at this time.

Mr. Craig read the comments from Marnie Walterson of Florida Keys Aqueduct Authority submitted by into the record – *"If rezoning is approved by the City of Key West, the FKAA will require all residences to be individually metered with all meter and impact fees due at that time. Consideration of a Future Land Use Element and Future Land Use Map amendment for military property located at **Peary Court (RE# 00006730-000000)** to one of the following designations: Planned Redevelopment District (PRD), Historic Planned Redevelopment District (HPRD), Medium Density Residential (MDR), Historic Medium Density Residential (HMDR), or a hybrid of these designations."*

There were no additional Committee member comments for the record.

Public Comments:

There were no public comments.

Adjournment

Actions/Motions:

A motion was made by Mr. Steve Torrence seconded by Ms. Elizabeth Ignoffo, that the meeting be **Adjourned**. The motion **Passed** by a unanimous vote.

Meeting adjourned at **10:50 am**.

Respectively Submitted by,

Jo Bennett

Administrative Coordinator

Planning Department

Exhibit 5

Balfour Beatty Communities

15 February, 2012

Mr. Don Craig – AICP, Planning Director
The City of Key West
PO Box 1409
Key West, FL 33041-1409

Re: Response to Follow Up to January 26, 2012 – Development Review Committee Meeting
Letter Dated February 3, 2012

Dear Mr. Craig:

Balfour Beatty Communities provides the following responses to your letter dated February 3, 2012. This responds to your letter by first stating the City's concerns in *italics* then providing our response in **bold text** as follows:

- 1) *"How have the 157 units at Peary Court been incorporated into the Hurricane Evacuation Model?"*
The attached letter issued by the Florida Department of Economic Development (DEO) directly addresses the concerns of the City on how the Hurricane Evacuation Model has been calculated and has responded that the units are included in the evacuation plan. (Attachment 1)
- 2) *"Identify whether construction codes were utilized in the construction of the dwelling units, and whether there was a cross reference to a version of the Florida Building Code."* **The letter from our third party code compliance consultant, Bureau Veritas, that opines that "the units were constructed under the 1988 SBCCI Codes." They further state that the "units are well constructed and the truss wall strapping exceeds what was the minimum requirement of the 1988 code cycle." An additional clarifying email from Bureau Veritas North America states that the only code in existence at the time of construction that the State of Florida had adopted was the Southern Standard Building Code Congress International (SBCCI). (Attachment 2).**
- 3) *"Please address how the change of ownership will affect the following:"*
 - a) *Transportation concurrency of surrounding roads in the city:* **No impact to current status. Prior to constructing these units the Navy conducted all NEPA required studies to include transportation, schools, environmental, traffic, etc, to obtain the necessary approvals for the design and construction project.**
 - b) *Water:* **No impact. FCAA has indicated that individual meters would need to be installed on the current units in lieu of the master meter system currently utilized. Once the new owner contracts with FCAA and pays all fees associated with the installation, FCAA assures a smooth and uninterrupted service transition. (Attachment 3)**
 - c) *Wastewater Services:* **No impact – new owner will contract directly with the City of Key West for services. (Attachment 3)**
 - d) *Solid waste disposal:* **No impact – new owner will contract directly with the City of Key West or separately with Waste Management for services. (Attachment 3)**


Balfour Beatty Communities

- e) *Drainage/storm water management plan*: No impact – new owner will contract directly with the City of Key West for services. (Attachment 3)
 - f) *Recreation*: No impact to current status. Also included on the NEPA studies discussed previously.
 - g) *Education*: No impact to current status. Also included on the NEPA studies discussed previously. (Attachment 3)
 - h) *Emergency Services*: The City of Key West will provide directly as with all other private property located in the City of Key West. Navy will continue to provide backup Services as shown in the
- 4) *"FEMA elevation certificates were provided...Comments based on that review are attached...(Attachment 3)...(Attachment 4):"*
- a) *Two elevation certificates (E/C) have the locations incorrectly identified: These E/C's have been corrected and delivered to Mr. Scott Fraser, FEMA Coordinator with the City of Key West.*
 - b) *An E/C has not been provided for one structure (accessory modular bank building): We have contracted with the surveyor to provide an E/C for this location. We anticipate completion by February 17, 2012. This E/C will be provided to the City when obtained.*
 - c) *One E/C was not signed or sealed: This E/C has been signed and sealed and delivered to Mr. Scott Fraser, FEMA Coordinator with the City of Key West.*
 - d) *All E/C's need to have embossed seals shaded for digital imaging: Mr. Scott Fraser has represented that he would take care of this requirement.*
 - e) *All structures for which E/C's were submitted appear to have their first floors above flood as required, however, 26 units have A/C compressors below flood: Balfour Beatty is taking measures to insure compliance. City requirements will be satisfied prior to closing.*
 - f) *By default, most...enclosed storage...below flood and will require flood vents: Balfour Beatty Communities is taking measures to insure compliance. City requirements will be satisfied prior to closing.*
 - g) *"existence of two guard shacks on the property....currently non-compliant with FEMA..." We intend to convey these "as is" and the purchaser will have to resolve the issue to the satisfaction of the City (i.e. demolish, variance, etc).*
- 5) *"Please provide a current survey of the property": Updated survey is included. (Attachment 4)*
- 6) *"...please include the archaeologically sensitive areas in the updated survey": We have included the locations on the updated survey. (Attachment 4)*
- 7) *"...current stratification of tenant types..." Attachment 5 contains the stratification data. (Attachment 5)*
- 8) *"Keys Energy Services provided comments...requiring that all locations be metered independently..." We have an email from Keys Energy clarifying their letter dated January 17, 2012. Per their email dated February 8, 2012, Keys Energy will allow a "grace period" in order to facilitate a smooth transition from the current master meter system to individual meters. (Attachment 6). Purchaser will work with Keys Energy to comply with transition requirements.*
- 9) *"Urban Forestry Comments": Balfour Beatty Communities is in receipt of your Attachment 8 and is currently compliant. The new owner will be responsible to maintain compliance with this requirement.*

Balfour Beatty Communities

I trust this will satisfy the City of Key West's request concerning the follow up letter to the January 26, 2012 Development Review Committee meeting. Please let me know if you have questions or require additional information.

Sincerely,


ATTORNEY-IN-FACT FOR

Mark J Lavin
Senior Vice President – Navy Portfolio
Balfour Beatty Communities
757-615-5536

Attachments
6 each AS

Balfour Beatty
Communities

Attachment 1

Rick Scott
GOVERNOR



Doug Darling
EXECUTIVE DIRECTOR

January 20, 2012

Mr. Jeff Green
Gulf Coast Development Manager
Balfour Beatty Communities
3502 East Eighth Street, Bldg 452
Gulfport, Mississippi 39501

Dear Mr. Green:

Thank you for your recent inquiry regarding hurricane evacuation in the City of Key West. Specifically, you have asked the following questions:

1. *How have the 157 units at Peary Court been incorporated into the Hurricane Evacuation Model?* Hurricane modeling is based upon block group data from the census. Information regarding the number of dwelling units, the number of cars that will be driven during an evacuation and whether or not a particular unit is occupied during hurricane season is derived from census data. In 2009, the Department of Community Affairs contracted with Dr. Earl J. Baker, Florida State University, to conduct behavior surveys to update the model. The following response is an excerpt from the study conducted by Dr. Baker.

Evacuation of Military Installations

"At the suggestion of Monroe County Emergency Management, a representative of Key West Naval Air Station was interviewed with respect to the installation's evacuation procedures. Although there are other military installations in the Keys, the Naval Air Station is the largest, and procedures followed by others were thought to be similar. Jim Brooks, the Public Information Officer, was interviewed.

There are 1,676 uniformed military personnel in the Keys, including all installations, with 1,015 family members. There are up to 459 military training personnel *in addition* who would be flown out in an evacuation. Other personnel and their families would drive their own vehicles in and evacuation. Up to 100 would remain on base. Civilians assigned to the base number 848.

The Caldwell Building 107 E. Madison Street Tallahassee, Florida 32399-4120
850.245.7105 TTY: TDD 1-800-955-8771 Voice 1-800-955-8770 FloridaJobs.org

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Mr. Jeff Green
January 20, 2012
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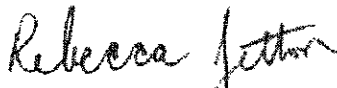
No one would evacuate prior to an evacuation order being issued by the County. (The exception presumably would be personnel removing equipment.) Salary and expenses would be paid during an mandatory evacuation, and NAS reserves hotel rooms in Orlando for personnel and dependents. Mr. Brooks estimated that 90% of personnel and families would leave within 6 hours of the evacuation order and 98% would be gone within 12 hours.

His general impression was that vehicle ownership would be comparable to the general population. It is possible that a larger percentage of available vehicles would be taken in an evacuation because certain personnel would be required to return to the base within 24 hours of passage of a hurricane."

2. *Does the hurricane evacuation model reflect the existing civilian component, as well as the proposed civilian component under new ownership?* The model is based upon how a person responds to census questions taken at ten year intervals regarding whether they live in a household or in group quarters. The software entries would have been determined by the 2000 Census. If residents within Peary Court answered census surveys indicating they lived within a "household," the unit would have been counted. For residents of barracks and other group quarters, no unit counts were developed because the starting assumption was that all group quarters residents (including military) would be evacuated ahead of any general evacuation order. Group quarters would include prisoners, residents of nursing homes, people in hospitals and other medical facilities, as well as the military personnel living in group facilities on the base.

In conclusion, it would be my assumption that the units have been counted as dwelling units in the evacuation models. If you require additional information, please contact (850)717-8494.

Sincerely,



Rebecca Jetton, Administrator
Areas of Critical State Concern

Balfour Beatty
Communities

Attachment 2



October 10, 2011

Jeff Green, Gulf Coast Development Manager
Balfour Beatty Communities
NCBC Gulfport
3502 East Eighth Street, Bldg 452
Gulfport, Mississippi 39501

Dear Mr. Green,

In regards to the investigation Bureau Veritas conducted of the 152 Family Housing Units in Key West at Peary Court, the Building Code that was in effect for the State of Florida at that time was the 1988 Southern Standard Building Code Congress International. Based upon our non-destructive inspection it is Bureau Veritas NA opinion that the units were constructed under the 1988 SBCCI Codes. These units are well constructed and the truss to wall strapping exceeds what was the minimum requirement of the 1988 code cycle.

The buildings have metal straps for the truss to wall connection and fire wall separation for the unit separation. Please note the since time of construction, the utility company has installed cable through-out these walls without providing proper protection. However, the walls are still in good condition.

The exterior of the units are vinyl siding and appear in good condition. The interior of each unit also are in good condition with the normal wear and tear that would be expected with a project that is seventeen years old. Overall conditions of these units are "good" and have been maintained.

Thank you for the opportunity of working on this project for you. Should you have any questions, please feel free to contact me directly at 239-229-2852.

Respectfully,

Wayne D. Smith, CBO, MCP, CEAP, LEED AP (BD+C), HUD REAC CI
Operations Manager
Bureau Veritas, BVNA

Bureau Veritas North America
13851 Plantation Road ♦ Fort Myers, Florida 33912 ♦ (239) 278-0939 ♦ Fax: (239) 278-0656
Offices Nationwide

Lynnette Bonin

From: Jeff Green
Sent: Tuesday, January 03, 2012 11:10 AM
To: Ted Lipham
Cc: Mark Lavin; Lynnette Bonin
Subject: FW: FW: Peary Court Housing Code Assessment
Attachments: Peary Court Revised.pdf.zip

Ted, attached is BV's response IRT building codes for Peary Court. Let me know if you have any questions or need me to dig more into the codes.

Thanks
V/R
Jeff

Jeff Green

Gulf Coast Development Manager | Balfour Beatty Communities
NCBC Gulfport | 3502 East Eighth Street, Bldg 452 | Gulfport, Ms. | 39501
C: 610-570-0142 | jgreen@bbcgrp.com
F: 228-863-0428

www.bbcgrp.com

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From: jack.mcstravic@us.bureauveritas.com [mailto:jack.mcstravic@us.bureauveritas.com]
Sent: Tuesday, January 03, 2012 6:49 AM
To: Jeff Green
Subject: Re: FW: Peary Court Housing Code Assessment

Mr. Green,

When Peary Court Housing was constructed the Florida Building Code did not exist, The code the State of Florida had adopted to use was the Southern Standard Building Code Congress.

I hope this helps and answers your questions. If you need to speak with someone today I will be in the office today.

Thank you.



Jack D. McStravic, CEO
Bureau Veritas North America, Inc.
13851 Plantation Road, Fort Myers FL 33912
p: 239-278-0939 c: 630-429-1144, f: 239-278-0856, d: 239-210-3519
jack.mcstravic@us.bureauveritas.com
www.us.bureauveritas.com

Jeff Green --12/29/2011 11:30:51 AM--Jeff Green <JGreen@bbcgrp.com>

Jeff Green <JGreen@bbcgrp.com>

12/29/2011 11:30 AM

To: Wayne Smith/USA/VERITAS@VERITAS, Jack
McStravic/USA/VERITAS@VERITAS

cc: Ted Lipham <TLipham@bbcgrp.com>, Lynnette Bonin
<LBonin@bbcgrp.com>

Subject: FW: Peary Court Housing Code Assessment

Re:

Wayne/Jack,

Hope you and your families are having a safe holiday season.

Could you please confirm if there were any other Florida Building Codes (or cross references) in effect that would or could have applied to the Key West Peary Court housing units addressed in your letter dated 10 Oct 2011. Email confirmation will be sufficient. I apologize for the short fused request, but I need a response as soon as possible, preferably by tomorrow.

Thanks and have a safe and Happy New Year celebration

V/R
Jeff

Jeff Green
Gulf Coast Development Manager | Balfour Beatty Communities
NCBC Gulfport | 3602 East Eighth Street, Bldg 452 | Gulfport, Ms. | 39501
C: 610-570-0142 | jgreen@bbcgrp.com
F: 228-863-0428
www.bbcgrp.com

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From: jack.mcstravic@us.bureauveritas.com [<mailto:jack.mcstravic@us.bureauveritas.com>]
Sent: Tuesday, October 11, 2011 1:38 PM
To: Jeff Green
Subject: Peary Court Housing Code Assessment

Jeff,

Below is attached the revised letter. Look over and see if there are other changes I need to make.

(See attached file: *Peary Court Revised.pdf.zip*)



Jack D. McStravic, CEO
Bureau Veritas North America, Inc.
13851 Plantation Road, Fort Myers, FL 33912
p: 230-278-0939, c: 830-429-1144, f: 239-278-0666, d: 239-210-3610
jack.mcstravic@us.bureauveritas.com
www.us.bureauveritas.com

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Balfour Beatty
Communities

Attachment 3

Lynnette Bonin

From: Josh Nestor
Sent: Wednesday, February 08, 2012 1:53 PM
To: Ted Lipham
Cc: Lynnette Bonin
Subject: FW: Peary Court
Attachments: Water Rate Summary effective 6.1.2011.pdf

Ted,

See below from Roy Coley with FKAA. All units will need to be individually metered. Unless the Navy relinquishes their credits fees will be applied. All of the fees are attached. If the new owner would like to contract the meters on his own the work will need to be completed prior to turnover. If the new owner wants FKAA to perform the work they will require the money at turnover and will cause no interruption.

From: Roy Coley [<mailto:rcoley@fkaa.com>]
Sent: Wednesday, February 08, 2012 2:28 PM
To: Josh Nestor
Cc: Jolynn Reynolds; Kerry Shelby; Kirk Zuelch
Subject: Peary Court

Mr. Nestor,

Thank you for your questions. The master meter providing the Navy's usage will be unavailable to any subsequent property owner or water customer of Peary Court. Individual meters will be necessary to provide water service to the individual homes and businesses. Unless the Navy relinquishes its reserved capacity serving the Peary Court community typical system development fees will also become necessary. All of these fees can be located on our web site fkaa.com. If you wish to hire a contractor to install these meters to our specifications and with a permit issued by the FKAA then all work should be complete prior to the Navy discontinuing the responsibility of the bill. If you would like to pay to the FKAA the necessary fees for our crews to install the meters, once we receive all sums required from you and you are only waiting on us then the billing can transfer immediately.

If I can be of additional assistance please do not hesitate to contact me.

Best Regards,

Roy Coley

Florida Keys Aqueduct Authority
Director of Operations
(305) 293-6356 office
(305) 797-8207 cell
RColey@fkaa.com

FLORIDA KEYS AQUEDUCT AUTHORITY

5/01/11 SUMMARY OF WATER RATES, FEES & CHARGES

Page 1 - Water

ITEM	SECTION/EXPLANATION	AMOUNT
System Development Charge 48-208.001(n) RESIDENTIAL	Residential (Single Family-Stand alone dwelling) a) When the premises is served by a single meter the SDC will be charged based on the size of meter to serve the premise b) When the premises is served by a Master Meter with individual units behind the Master Meter, SDC will be charged per unit based on the meter size which would be required to serve each residential unit c) Irrigation-Residential (Single Family). For residential Single Family property, which has not been developed and is not otherwise metered, the SDC for irrigation service will be based on the size of the meter.	<u>(Applicable to A, B & C)</u> 3/8" Meter...\$3,750.00 1" Meter... \$9,375.00
	Residential (Multiple Unit) When the premises is a Residential (Multiple Unit), the SDC will be charged per unit basis: a) Residential - Multiple Unit - 3 units or Less b) Residential - Multiple Unit - Four Units or More c) Common Area facilities (including Irrigation) for Residential Multi-Unit shall be based on Fixture Values as established for Commercial Accounts.	<u>(Applicable to A, B & C)</u> a) \$3,188.00 per unit b) \$2,813.00 per unit c) \$75.00/per Fixture value
System Development Charge 48-208.001(n)(3) COMMERCIAL	Commercial: a) Fixture Values on the total number of Fixture Values at a Premises or Water Service location (including irrigation), at a charge of <u>\$75.00</u> for each Fixture Value b) Where Fixture Values cannot be determined, the meter-based SDC shall be charged as shown	\$75.00 Per Fixture Value Meter-Based SDC: 3/8".....\$3,750.00 1".....\$9,375.00 1 1/2"....\$18,750.00 2".....\$30,000.00 3".....\$56,250.00 4".....\$93,750.00 6".....\$187,500.00 8".....\$300,000.00

Fire Hydrant Flow Test 48-208.005(8)		\$70.00
Fire Hydrant/Fire Line Application Fee 48-208.005(9)		\$360.00 – first hydrant \$50.00 each additional hydrant
Fixture Review Fee 48-208.005(4)	Review of Development Plans for large single family and developments	\$ 50.00
Return Check/ Bank Draft 48-208.005(1)(b)	Fee charged when the bank does not honor a customer's check used to make payment on their account.	ck Up to \$50: \$25 ck \$50 to \$100: \$30 ck Over \$100: Greater of: \$40 or 5% of Check
Meter Drop-In (New Meter Installation Only) 48-208.001(4)	5/8" x 3/4" Meter 5/8" x 3/4" Meter (T-10) 1" Meter 1 1/2" Meter 2" Meter 2" Compound Meter and larger meters	\$ 325.00 435.00 580.00 675.00 790.00 Actual Cost
Meter Relocation 48-208.001(9)		Actual Cost
Non-Potable Water 48-208.005(5)	Emergency Non-Potable Water Deliver Charge (A service offered to residents on cisterns or wells in which the FKAA will deliver emergency non-potable water during the Dry Season.)	\$ 125.00

MONTHLY FEES & CHARGES

BASE FACILITY CHARGE: 48-208.004

Meter Size	Effective 05/01/11
5/8" x 3/4" Meter	\$ 13.04
1" Meter	32.58
1 1/2" Meter	65.16
2" Meter	104.24
3" Meter	195.46
4" Meter	323.42
6" Meter	652.78
8" Meter	1,042.43

FLORIDA KEYS AQUEDUCT AUTHORITY
05/01/11 SUMMARY OF WATER RATES, FEES & CHARGES

Page 5 - Water

CONSUMPTION CHARGE - continued

METER SIZE BLOCK CONSUMPTION BLOCK			Effective 05/01/11
6" Meter	1	0 - 300,000 gallons	\$5.47 ptg
	2	300,001 - 600,000 gallons	8.00 ptg
	3	600,001 - 1,500,000 gallons	8.96 ptg
	4	1,500,001 - 2,500,000 gallons	9.99 ptg
	5	Over 2,500,000 gallons	10.97 ptg
8" Meter	1	0 - 480,000 gallons	\$5.47 ptg
	2	480,001 - 960,000 gallons	8.00 ptg
	3	960,001 - 2,400,000 gallons	8.96 ptg
	4	2,400,001 - 4,000,000 gallons	9.99 ptg
	5	Over 4,000,000 gallons	10.97 ptg

RECLAIMED WATER CONSUMPTION CHARGE 48-401
 Per Thousand Gallons, billed in 100 gallon increments

70% of each Potable Rate Block (see Consumption Charge Chart above)

FIRE SERVICE MONTHLY RATE: 48-208.004

LINE SIZE CHARGE: 05/01/11

2"	\$ 9.58
3"	17.97
4"	29.89
6"	59.88
8"	95.79
10"	137.71
12"	185.60

FLORIDA KEYS AQUEDUCT AUTHORITY
05/01/11 SUMMARY OF WASTEWATER RATES, FEES & CHARGES

Page 1 - Wastewater

ITEM	SECTION/EXPLANATION	AMOUNT
System Development Charge 48-307.004(24)	BIG COPPITT DISTRICT - Residential Single Family - Residential Multiple Unit - Multiple Unit (Commercial/Residential) After initial construction of the wastewater system, SDC shall be based on the total number of Fixture Values to be served at a Premises.	Contact Monroe County Board of County Commissioners
System Development Charge 48-307.004(22)	CONCH KEY / DUCK KEY DISTRICT - Residential Single Family (unit based) - Residential Multiple Unit (unit based) - Multiple Unit (Commercial/Residential) SDC shall be based on the number of residential units combined with the total number of Fixture Values for non-residential units to be served at a Premises.	\$2,700.00 per Unit \$71.00 per Fixture Value
System Development Charge 48-307.004(23)	BAY POINT DISTRICT - Residential Single Family (unit based) - Residential Multiple Unit (unit based) - Multiple Unit (Commercial/Residential) SDC shall be based on the number of residential units combined with the total number of Fixture Values for non-residential units to be served at a Premises.	\$2,700.00 per Unit \$71.00 per Fixture Value
System Development Charge 48-307.004(25)	LAYTON DISTRICT - Residential Single Family (unit based) - Residential Multiple Unit (unit based) - Multiple Unit (Commercial/Residential) SDC shall be based on the number of residential units combined with the total number of Fixture Values for non-residential units to be served at a Premises.	\$3,400.00 per Unit \$90.00 per Fixture Value
System Development Charge 48-307.004(26)	KEY HAVEN DISTRICT - Residential Single Family (unit based) - All Other Services (Flow based)	\$1,800.00 per Unit \$6.85 per Gallon

FLORIDA KEYS AQUEDUCT AUTHORITY

05/01/11 MONTHLY WASTEWATER RATES, FEES & CHARGES

Page 3 - Wastewater

BIG COPPITT WASTEWATER SERVICE DISTRICT (NEW DISTRICT IN 9/2009)

BASE FACILITY CHARGE		5/01/11
Residential Base Facility Charge.....		\$ 26.26
All Other Classes Base Facility Charge:		
Meter Size	Monthly Charge (Effective 5/01/11)	
3/8" x 3/4"	\$	26.26
1"	\$	98.51
1 1/2"	\$	196.99
2"	\$	315.20
3"	\$	590.99
4"	\$	984.98
6"	\$	1,969.98

WASTEWATER FLOW CHARGE - The Wastewater Flow Charge is the monthly per thousand gallon charge for wastewater flow, based on metered water consumption, billed in 100 gallon increments:

Single Family Residential: \$ 9.94 ptg billed up to a maximum 12,000 gallons of metered water consumption per month

All other classes of service: \$ 9.94 ptg for all metered water consumption

Monthly Charge for Customers with Alternative Water Supply: \$ 55.98

CONCH KEY/HAWK'S CAY/DUCK KEY WASTEWATER SERVICE DISTRICT

BASE FACILITY CHARGE		5/01/11
Residential Base Facility Charge.....		\$ 49.42
All Other Classes Base Facility Charge:		
Meter Size	Monthly Charge (Effective 5/01/11)	
3/8" x 3/4"	\$	49.42
1"	\$	123.56
1 1/2"	\$	247.16
2"	\$	395.43
3"	\$	741.46
4"	\$	1,235.76
6"	\$	2,471.50

WASTEWATER FLOW CHARGE - The Wastewater Flow Charge is the monthly per thousand gallon charge for wastewater flow, based on metered water consumption, billed in 100 gallon increments:

Single Family Residential: \$ 7.71 ptg billed up to a maximum 12,000 gallons of metered water consumption per month

All other classes of service: \$ 7.71 ptg for all metered water consumption

Monthly Charge for Customers with Alternative Water Supply: \$70.62

FLORIDA KEYS AQUEDUCT AUTHORITY
05/01/11 MONTHLY WASTEWATER RATES, FEES & CHARGES

Page 5 - Wastewater

KEY HAVEN WASTEWATER SERVICE DISTRICT (acquired 9/17/09)

(These rates were approved by the Public Service Commission based on their Rate Adoption Process)

BASE FACILITY CHARGE

5/01/11

Residential Base Facility Charge.....\$ 33.74

All Other Classes Base Facility Charge:

<u>Meter Size</u>	<u>Monthly Charge (Effective 5/01/11)</u>
5/8" x 3/4"	\$ 33.74
1"	\$ 84.39
1 1/2"	\$ 168.79
2"	\$ 270.06
3"	\$ 540.13
4"	\$ 843.95
6"	\$ 1,687.92
8"	\$ 2,700.69

WASTEWATER FLOW CHARGE - The Wastewater Flow Charge is the monthly per thousand gallon charge for wastewater flow, based on metered water consumption, billed in 100 gallon increments:

Single Family Residential: \$ 8.88 ptg billed up to a maximum 10,000 gallons
of metered water consumption per month

General Service (Commercial): \$10.66 ptg for all metered water consumption
(Commercial Service Meters 1/2" and larger)

Lynnette Bonin

From: Josh Nestor
Sent: Thursday, February 09, 2012 1:27 PM
To: Ted Lipham
Cc: Lynnette Bonin
Subject: FW: Peary Court Wastewater/Solid waste

Ted,

See below. This outlines the plan for turning over the storm/sewer/solid waste to a new owner at Peary Court.

From: Jeff Green
Sent: Thursday, February 09, 2012 2:06 PM
To: Josh Nestor
Subject: FW: Peary Court Wastewater/Solid waste

Josh,

FYI

Jeff

From: Jeff Green
Sent: Tuesday, January 10, 2012 7:42 AM
To: 'Jay Gewin'
Subject: RE: Peary Court Wastewater/Solid waste

Thanks Jay, appreciate the quick turnaround.

V/R
Jeff

Jeff Green
Gulf Coast Development Manager | Balfour Beatty Communities
NCBC Gulfport | 3502 East Eighth Street, Bldg 452 | Gulfport, Ms. | 39501
C: 610-570-0142 | jgreen@bbcgrp.com
F: 228-863-0428
www.bbcgrp.com

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From: Jay Gewin [<mailto:jgewin@keywestcity.com>]
Sent: Monday, January 09, 2012 10:04 AM
To: Jeff Green
Subject: Re: Peary Court Wastewater/Solid waste

Under the assumption that the Peary Court property is sold to one private company, and not divided into individual parcels, our plans would be as follows:

1) **Stormwater** - The property owner would be billed the total number of residential unit monthly charges. (\$7.68 multiplied by the total number of units per month)

2) **Sewer** - Since none of the homes have individual meters, the total would be calculated from the water meter at the street. This total would be the number of base charges units per household (\$23.23 multiplied by the total number of units per month) plus \$4.60 per thousand gallons of wastewater used.

The amount of wastewater used is calculated at 80% of the flow through the water meter. Since the City is not assuming ownership of the roads on property, the private owner will assume ownership and maintenance requirements for all laterals on site up to the property line.

3) **Solid Waste** - The monthly charge for twice a week solid waste, and once a week recycle service would be calculated at \$26.60 multiplied by the total number of units per month.

If you have any further questions, or need any clarification, please let me know.

*Jay Gewin
Utilities Manager
City of Key West
305-809-3902*

On Fri, Jan 6, 2012 at 2:56 PM, Jeff Green <JGreen@bbcgrp.com> wrote:
Mr. Gewin,

I spoke with you earlier this week in reference to the utilities at Peary Court. Our company has the lead, along with our Navy partner, on spearheading sale of Peary Court. In response to a data call I would greatly appreciate your help and expertise.

Could you please provide a statement on how and under what circumstances the provision of wastewater and solid waste services will continue after transfer of the property to a civilian owner.

Unfortunately, and I apologize, this is a short fused request, but would appreciate a reply by JAN 11, 2012.

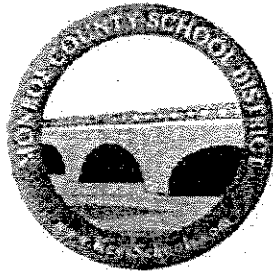
Thanks

*V/R
Jeff*

*Jeff Green
Gulf Coast Development Manager | Balfour Beatty Communities
NCBC Gulfport | 3502 East Eighth Street, Bldg 452 | Gulfport, Ms. | 39501
C: 610-570-0142 | jgreen@bbcgrp.com
F: 228-863-0428
www.bbcgrp.com*

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DR. JESUS F. JARA
Superintendent of Schools



Constant Improvement

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DR. R. DUNCAN MATHEWSON, III

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JOHN R. DICK
Chair

District # 5
RONALD A. MARTIN

January 12, 2012

Mr. Ron A. Demes
Naval Air Station Key West
P.O. Box 9007
Code 188
Key West, FL 33040-9007

Re: Peary Court

The purpose of this letter is to notify you that the Monroe County School District will continue to support the students living in Peary Court when the property has been sold.

If you need any additional information or have any questions I can be reached at 305-293-1400 ext. 53332.

Sincerely,

Dr. Jesus F. Jara
Superintendent of Schools

JFJ/sss

Balfour Beatty
Communities

Attachment 4

Balfour Beatty
Communities

Attachment 5

Balfour Beatty Communities

12 February, 2012

Mr. Don Craig – AICP, Planning Director
The City of Key West
PO Box 1409
Key West, FL 33041-1409

Re: Stratification of Tenant Types

Dear Mr. Craig:


In response to your letter dated February 3, 2012, the following information is offered for your review and use:

- 1) The current average rental rate is \$1,954.02 – rent is not charged by family size.
- 2) The current number of Public Sector Civilian leases is 40.
- 3) The current number of Military leases is 93.
- 4) The current number of Other Preferred/Retirees is 9.
- 5) The current number of DOD Affiliated Civilians is 8.

Note: This is a snapshot in time and reflects 1 unit used for and office/model and 6 vacancies.

I trust this will satisfy the City of Key West's request concerning the stratification of tenant types. Please let me know if you have questions or require additional information.

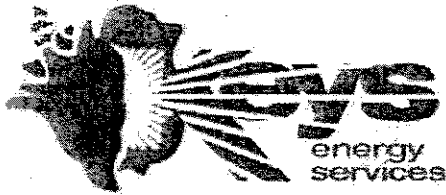
Sincerely,



Ted Lipham
Project Director
Navy Region Southeast

Balfour Beatty
Communities

Attachment 6



(706) 295-1000
1001 Jaimin Street
PO Box 6100
Key West, FL 33041-6100
www.KeysEnergy.com

UTILITY BOARD OF THE CITY OF KEY WEST

January 25, 2012

Mr. Jeff Green
Balfour Beatty Communities
3502 East Eighth Street, Bldg 452
Gulfport, MS 39501

Re: Peary Court Housing Project
Palm Ave and White Street
Key West, Florida

Dear Mr. Green:

I am in receipt of your email request for written clarification of how and under what circumstances the provision of service will continue after the conveyance of the Peary Court Housing project from government control to the private sector occurs. As we have previously discussed, Keys Energy Services will require that all locations be metered independently.

In order to accomplish this metering task and continue the operation of the electrical facilities, the following check list must be completed prior to the move from a government owned facility to the private sector:

- All the electrical facilities (Transformers, Underground Cables, Concrete Pads, Outdoor Lighting and Circuits, Meter Centers on each housing unit and electrical disconnects, as well as all grounding schemes) will have to be inspected and any violations of the electrical Codes, (NEC and NESC) must be brought into compliance. The City of Key West's Electrical Inspector, or a private Certified Electrical Inspector, must certify all the electrical services prior to the connection.
- Load information will be required (Project Review Forms) for each commercial site that will require power.
- All fees must be paid. (Contributions In Aid of Construction, Initial Permanent Service Charges and Security Deposits) In order for Keys Energy Services to provide an estimated cost, we would need to know the number of individual residential units, as well as the number of commercial sites (see above for commercial facility requirements)
- If the electrical facilities are to be turned over to Keys Energy Services to maintain and operate, all deficiencies must be corrected at the owner's expense prior to the official turn over.

The Peary Court Housing is currently master metered because Keys Energy Services has a special commodities contract with the US Military to provide service in this manner.

Keys Energy Services has implemented policies that restrict master meters for multiple residential or commercial customers. If the metering changes are not accomplished prior to the conveyance of the property, Keys Energy Services will have no choice other than to remove the master meter and interrupt services until such time as all meters have been set for each individual location. This includes any commercial activity that may remain on the property, for example the Keys Federal Credit Union.

Sincerely,

A handwritten signature in black ink, appearing to read 'Alex Tejeda', with a stylized flourish extending to the right.

Alex Tejeda
Customer Services Director

C:

Jack Wetzler, Assistant General Manager/CFO
Dale Finigan, Director of Engineering Services/Control
Matthew Alfonso, Engineering Services Supervisor
Nathan Eden, Attorney for the Utility Board of the City of Key West
Ron Demes, Naval Air Station Key West
Don Craig, Planning Director
David Paul Horan, Horan, Wallace, & Higgins LLP

Lynnette Bonin

From: Josh Nestor
Sent: Wednesday, February 08, 2012 4:28 PM
To: Ted Liphart
Cc: Lynnette Bonin
Subject: Fw: Peary Court

Ted,

Looks like Keys Energy would be willing to work with the new buyer on a "grace period" but will not agree to anything until they get a timeframe from the buyer on how long it would take.

Sent wirelessly via BlackBerry!

From: Tejeda, Alex [<mailto:Alex.Tejeda@KeysEnergy.com>]
Sent: Wednesday, February 08, 2012 05:24 PM
To: Josh Nestor
Subject: RE: Peary Court

Good afternoon Josh,

We would have to further discuss the process of conveyance. We would need time frames from the buyers of how long it would take to make the necessary changes to individually meter the entire site before we can agree to any deviation from the terms contained in my letter.

Alex

From: Josh Nestor [<mailto:JNestor@bbccorp.com>]
Sent: Wednesday, February 08, 2012 4:38 PM
To: Tejeda, Alex
Subject: Peary Court

Alex,

Good afternoon. My name is Josh Nestor with Balfour Beatty Communities. I have taken over for Jeff Green. I have attached the letter you provided us on the process of turning over the property to a new buyer. In the letter it lists all items that will need to be completed. Will the purchaser have a "grace period" to complete these once they take over or will this all have to be complete prior to conveyance? Thanks for your help.

Josh Nestor
Development Associate
Balfour Beatty Communities
Navy Southeast | 916-A Essex Circle N | Jacksonville, FL | 32228
C: 610-570-7361
www.bbccorp.com



THE CITY OF KEY WEST

Post Office Box 1109 Key West, FL 33041-1109 (City Box 3700)

February 3, 2012

VIA ELECTRONIC MAIL

Mr. Ron A. Demes
Naval Air Station Key West
P.O. Box 9007
Code 188
Key West, FL 33040-9007

Mr. David Paul Horan
Horan, Wallace, & Higgins LLP
608 Whitehead Street
Key West, Florida 33040-6549

RE: Follow-Up Letter to January 26, 2012 Development Review Committee Meeting

Dear Mr. Demes and Mr. Horan,

The purpose of this letter is to summarize areas where additional information is necessary for the City to process the future land use amendment and subsequent rezoning for Peary Court, based on the January 26, 2012 Development Review Committee (DRC) meeting, as well as information requested by the Planning Department in the Peary Court Development Review Committee Letter, dated December 19, 2011 (Attachment 1). This letter does not provide a summary of all comments raised at the DRC meeting; however, summarizes areas where additional information is needed for DRC staff review. In an effort to facilitate an efficient review, the City requests the following information be provided prior to taking the future land use element and corresponding map amendment proposal to the Planning Board for their consideration:

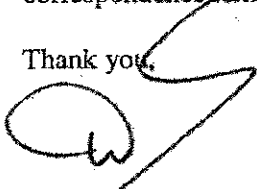
- Please provide information demonstrating how the 157 units at Peary Court have been incorporated into the Hurricane Evacuation Model. The Planning Department has received a draft document prepared by the Department of Economic Opportunity dated January 20, 2012 (Attachment 2), but no official letter has been provided. The Planning Department is specifically seeking confirmation of the following:
 - Does the hurricane evacuation model reflect the existing civilian component, as well as the proposed civilian component under new ownership? This question is being asked as the property has in recent years converted from providing strictly military housing to civilian housing. The City understands that under certain circumstances during a storm event, military personnel may be required to leave the base, potentially prior to other permanent residents. It is important to understand whether modeling efforts assumed that military personnel (dependent/and or active duty) would be required to evacuate in the same manner as the civilian population of the City. The configuration of the evacuation modeling inclusion of the Peary Court population can take several forms:

- 1) A letter from the Florida Department of Economic Opportunity (DEO), Community Planning Division, stating how the population was incorporated into the present and previous modeling efforts.
 - 2) A letter from the South Florida Regional Planning Council, whose responsibility it was, and is, to calibrate, manage, and direct both the inputs and outputs of the model, either directly or by contract.
 - 3) Copies of the model metadata description, which documents the data inputs of the model(s).
- Identify whether construction codes were utilized in the construction of the dwelling units, and whether there was a cross reference to a version of the Florida Building Code.
 - Please address how the change in ownership will affect the following:
 - Transportation concurrency of surrounding roads in the City;
 - Water;
 - Wastewater services;
 - Solid waste disposal;
 - Drainage/stormwater management plan;
 - Recreation;
 - Education;
 - Emergency services; and
 - If contracts and or agreements for service provision between the Navy and the City of Key West, the Florida Keys Aqueduct Authority, Keys Energy, the Monroe County School Board, or other service providers are available, please provide them for review. Also, please contact each service provider and obtain from them written statements as to how and under what circumstances the provision of services will continue after transfer of the property to a civilian owner.
 - FEMA elevation certificates were provided to the Planning Department on January 30, 2012, and have been reviewed by the City's FEMA Coordinator/Floodplain Administrator. Comments based on that review are attached to this letter (Attachment 3). Additionally, the Planning Department's February 1, 2012 letter written in response to the elevation certificate review provides separate comments (Attachment 4).
 - Please provide a current survey of the property. The only survey on file with the Planning Department includes the Peary Court cemetery, and is not correct (Attachment 5). There is conflicting data with respect to land acreages, which can only be resolved through the provision of a correct survey.
 - Based on review of the Florida Department of State Division of Historical Resources letter, dated March 19, 1991 (Attachment 6), the City's Historic Preservation Planner has requested that legible, large-scale topographical maps that would have been prepared by the archaeologists that submitted the cultural resource assessment be provided to the City. Also, please include the archaeologically sensitive areas in the updated survey.

- Please provide information regarding the current stratification of tenant types (i.e., the number of military-occupied units and civilian-occupied units, as well as associated rental ranges by family size.
- Keys Energy Services provided comments, dated January 17, 2012, requiring that all locations be metered independently on the site prior to the transition from military to private-sector ownership (Attachment 7).
- Urban Forestry comments are attached to this letter (Attachment 8).

Please do not hesitate to contact me should you have any questions or concerns. Also, please direct all correspondence to my attention at the Planning Department.

Thank you,



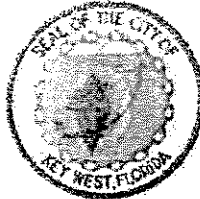
Donald Leland Craig
AICP, Planning Director
DLC/amm

Attachments:

- Attachment 1: December 19, 2011 Peary Court, Development Review Committee Letter
- Attachment 2: January 20, 2012 Draft Letter from Department of Economic Opportunity
- Attachment 3: FEMA Coordinator/Floodplain Administrator Elevation Certificate Review Comments
- Attachment 4: February 1, 2012 FEMA Letter
- Attachment 5: Property Survey
- Attachment 6: Florida Department of State Division of Historical Resources Letter, March 19, 1991
- Attachment 7: Keys Energy Services January 17, 2012 Letter
- Attachment 8: Urban Forestry Manager Comments

- C: Jim Scholl, City Manager
Mark Finigan, Assistant City Manager
Shawn Smith, City Attorney
Larry Erskine, Chief Assistant City Attorney
Scott Fraser, FEMA Coordinator
Enid Torregrosa, Historic Preservation Planner
Alan Tejeda, Customer Services Director Keys Energy Services
Paul Williams, Urban Forester
Brendon Cunningham, Senior Planner II
Ashley Monnier, Planner II

Attachment 1



THE CITY OF KEY WEST

Post Office Box 1189 Key West, FL 33041-1189 (305) 854-3700

December 19, 2011

VIA ELECTRONIC MAIL

Mr. Ron A. Demes
Naval Air Station Key West
P.O. Box 9007
Code 188
Key West, FL 33040-9007

Mr. David Paul Horan
Horan, Wallace, & Higgins LLP
608 Whitehead Street
Key West, Florida 33040-6549

RE: Peary Court, Development Review Committee Letter

Dear Mr. Demes and Mr. Horan,

The purpose of this letter is to identify additional information necessary to finalize the analysis of the Future Land Use and zoning amendments for Peary Court. Please provide the following information requested below by January 13, 2012 in order to have a complete application sufficient for the January 26, 2012 Development Review Committee (DRC) meeting:

- How have the 157 units at Peary Court been incorporated into the Hurricane Evacuation Model?
 - Does the hurricane evacuation model reflect the existing civilian component, as well as the proposed civilian component under new ownership? This question is being asked as the property has in recent years converted from providing strictly military housing to civilian housing. The City understands that under certain circumstances during a storm event, military personnel may be required to leave the base, potentially prior to other permanent residents. It is important to understand whether modeling efforts assumed that military personnel (dependent/and or active duty) would be required to evacuate in the same manner as the civilian population of the City. The configuration of the evacuation modeling inclusion of the Peary Court population can take several forms:
 - 1) A letter from the Florida Department of Economic Opportunity (DEO), Community Planning Division, stating how the population was incorporated into the present and previous modeling efforts.
 - 2) A letter from the South Florida Regional Planning Council, whose responsibility it was, and is, to calibrate, manage, and direct both the inputs and outputs of the model, either directly or by contract.
 - 3) Copies of the model metadata description, which documents the data inputs of the model(s).

- Identify whether construction codes were utilized in the construction of the dwelling units, and whether there was a cross reference to a version of the Florida Building Code.
- Please address how the change in ownership will affect the following:
 - Transportation concurrency of surrounding roads in the City;
 - Water;
 - Wastewater services;
 - Solid waste disposal;
 - Drainage/stormwater management plan;
 - Recreation;
 - Education;
 - Emergency services; and
 - If contracts and or agreements for service provision between the Navy and the City of Key West, the Florida Keys Aqueduct Authority, Keys Energy, the Monroe County School Board, or other service providers are available, please provide them for review. Also, please contact each service provider and obtain from them written statements as to how and under what circumstances the provision of services will continue after transfer of the property to a civilian owner.
- FEMA elevation certificates need to be provided for each duplex residence which meets City of Key West and FEMA standards, and compliance with applicable regulations must be demonstrated. The Planning Department understands that this requirement will not be completed prior to the January DRC meeting. However, please provide an estimated date of completion. Prior to the City certifying that each residential structure is eligible for a Certificate of Occupancy issued to either Southeast Housing LLC/Balfour Beatty, or the eventual purchaser of the property, the individual Elevation Certificate forms completed by a Florida Registered Professional Surveyor must be submitted.
- Please provide a current survey of the property. The only survey on file with the Planning Department includes the Peary Court cemetery, and is not correct. There is conflicting data with respect to land acreages, which can only be resolved through the provision of a correct survey.
- Please provide information regarding the current stratification of tenant types (i.e., the number of military-occupied units and civilian-occupied units, as well as associated rental ranges by family size.

Please do not hesitate to contact me should you have any questions or concerns,



Donald Leland Craig
AICP, Planning Director

Peary Court, Development Review Committee Letter
December 19, 2011
Page 3 of 3

C: Jim Scholl, City Manager
Mark Finigan, Assistant City Manager
Shawn Smith, City Attorney
Larry Erskine, Chief Assistant City Attorney
Brendon Cunningham, Senior Planner II
Ashley Monnier, Planner II

Attachment 2

Rick Scott
GOVERNOR



Doug Darling
EXECUTIVE DIRECTOR

January 20, 2012

Mr. Jeff Green
Gulf Coast Development Manager
Balfour Beatty Communities
3502 East Eighth Street, Bldg 452
Gulfport, Mississippi 39501

Dear Mr. Green:

Thank you for your recent inquiry regarding hurricane evacuation in the City of Key West. Specifically, you have asked the following questions:

1. *How have the 157 units at Peary Court been incorporated into the Hurricane Evacuation Model?* Hurricane modeling is based upon block group data from the census. Information regarding the number of dwelling units, the number of cars that will be driven during an evacuation and whether or not a particular unit is occupied during hurricane season is derived from census data. In 2009, the Department of Community Affairs contracted with Dr. Earl J. Baker, Florida State University, to conduct behavior surveys to update the model. The following response is an excerpt from the study conducted by Dr. Baker.

Evacuation of Military Installations

"At the suggestion of Monroe County Emergency Management, a representative of Key West Naval Air Station was interviewed with respect to the installation's evacuation procedures. Although there are other military installations in the Keys, the Naval Air Station is the largest, and procedures followed by others were thought to be similar. Jim Brooks, the Public Information Officer, was interviewed.

There are 1,676 uniformed military personnel in the Keys, including all installations, with 1,015 family members. There are up to 459 military training personnel *in addition* who would be flown out in an evacuation. Other personnel and their families would drive their own vehicles in and evacuation. Up to 100 would remain on base. Civilians assigned to the base number 848.

The Caldwell Building 107 E. Madison Street Tallahassee, Florida 32399-4120
850.245.7105 TTY/TDD 1-800-955-8771 Voice 1-800-955-8770 FloridaJobs.org



No one would evacuate prior to an evacuation order being issued by the County. (The exception presumably would be personnel removing equipment.) Salary and expenses would be paid during an mandatory evacuation, and NAS reserves hotel rooms in Orlando for personnel and dependents. Mr. Brooks estimated that 90% of personnel and families would leave within 6 hours of the evacuation order and 98% would be gone within 12 hours.

His general impression was that vehicle ownership would be comparable to the general population. It is possible that a larger percentage of available vehicles would be taken in an evacuation because certain personnel would be required to return to the base within 24 hours of passage of a hurricane."

2. *Does the hurricane evacuation model reflect the existing civilian component, as well as the proposed civilian component under new ownership?* The model is based upon how a person responds to census questions taken at ten year intervals regarding whether they live in a household or in group quarters. The software entries would have been determined by the 2000 Census. If residents within Peary Court answered census surveys indicating they lived within a "household," the unit would have been counted. For residents of barracks and other group quarters, no unit counts were developed because the starting assumption was that all group quarters residents (including military) would be evacuated ahead of any general evacuation order. Group quarters would include prisoners, residents of nursing homes, people in hospitals and other medical facilities, as well as the military personnel living in group facilities on the base.

In conclusion, it would be my assumption that the units have been counted as dwelling units in the evacuation models. If you require additional information, please contact (850)717-8494.

Sincerely,

Rebecca Jetton, Administrator
Areas of Critical State Concern

Attachment 3

Ashley Monnier

From: Ashley Monnier
Sent: Wednesday, February 01, 2012 1:56 PM
To: Scott Fraser
Cc: Don Craig; Brendon Cunningham
Subject: RE: Peary Ct.: Flood Elevations

Dear Scott, at the DRC, one of your comments concerned the existence of the two guard shacks on the property. My understanding is that as existing, they are currently non-compliant with FEMA. I plan to address this in my letter to the applicant; however, I wanted to confirm with you first.

Thanks, Ashley

From: Scott Fraser [<mailto:sfraser@keywestcity.com>]
Sent: Wednesday, February 01, 2012 1:17 PM
To: Ashley Monnier
Cc: Jo Bennett; Don Craig; Brendon Cunningham
Subject: Peary Ct.: Flood Elevations

Having reviewed the Elevation Certificates (E/Cs) submitted, I have a few floodplain comments:

- Two E/Cs appear to have the locations incorrectly identified. Surveyor has been asked to correct and provide new copies.
- An E/C hasn't been provided for one structure (accessory modular bank building). Surveyor has been asked to correct.
- One E/C wasn't signed nor sealed. Surveyor has been asked to correct and provide new copies.
- All E/Cs need to have embossed seals shaded for digital imaging
- All structures for which E/Cs were submitted appear of have their first floors above flood, as required.
 - However, with 26 of the dwelling units, the A/C units are below flood (listed below). Some by a couple of inches, others by nearly one-half foot.
- By default, most, if not all the enclosed storage areas attached to the carports, are below flood and will require flood vents

Addresses where A/C units are below flood:

102	128
103	130
104	131
105	133
106	134
107	135
119	137

120	138
122	139
124	140
125	141
126	142
127	143

A big thank you to Jo, for remembering E/Cs can't be stamped or otherwise altered, and instead ensured the cover letter was stamped received. Had they all been stamped - or otherwise noted upon - FEMA would consider them altered documents.

Note: To preserve the documentation trail, Jo is creating file names in the GEO folder for the scanned E/Cs. These file names incorporate the date received, so we'll be able to easily identify the originally submitted documents from the resubmitted corrected copies.

Scott

Scott Fraser

FEMA Coordinator/Floodplain Administrator
 305-809-3810 o.
 305-923-4964 c.
sfraser@keywestcity.com

Attachment 4



THE CITY OF KEY WEST

Post Office Box 1409 Key West, FL 33041-1409 (305) 809-3700

February 1, 2012

David Paul Horan
608 Whitehead Street
Key West, Florida 33040

After examining the newly arrived Elevation Certificates for Peary Court, staff has determined there are 26 dwellings where the A/C units are below the Base Flood Elevation (BFE) level. Typically, they are a few inches below BFE, with some as much as one-half foot too low.

Usually, such deficiencies are corrected with the installation of elevation brackets between the A/C unit and the concrete slab. New Elevation Certificates would then be required to demonstrate the machinery heights are now above the BFE. In this instance, new Elevation Certificates for 26 units would be an expensive additional cost.

However, if brackets were to be installed that elevate the A/C units above the first floor levels, the city's Floodplain Administrator advises certification of the new heights could be accomplished administratively, saving the Applicant a few thousand dollars by eliminating the need for 26 new certificates.

This administrative certification would be accomplished using "Section G (Community Information) of the Elevation Certificate, which is available for this purpose.

Whereas a professional surveyor has already determined the first floor elevations as being above BFE, it'd be a simple matter of staff observing that the A/Cs units had subsequently been elevated above the already surveyor-certified first floor levels and thus by default, above the BFE. Staff would then complete Section G on the relevant certificates to note this change.

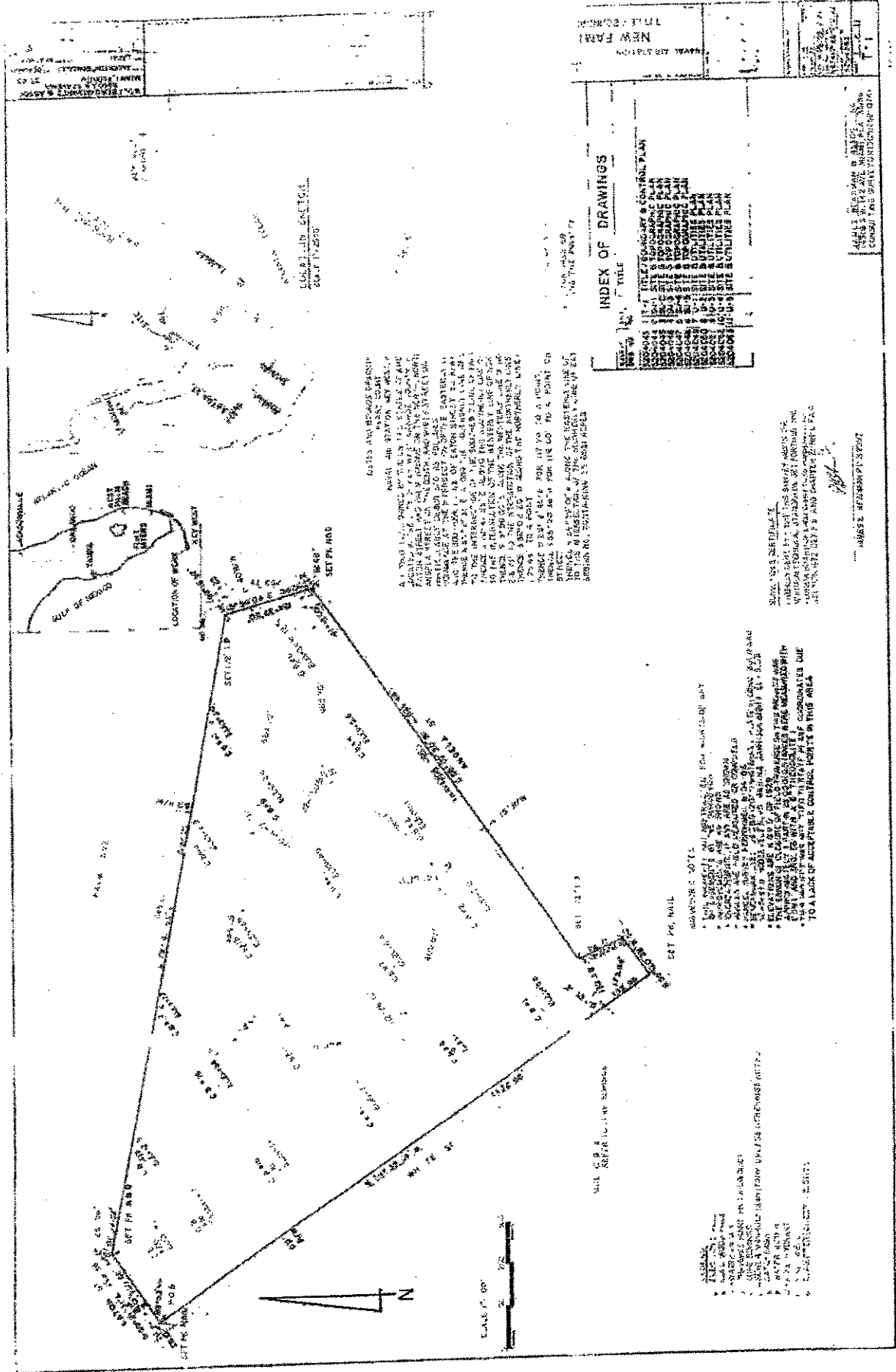
Please advise if this might be an opportunity the property owner would like to utilize.

Yours truly,


Donald Leland Craig, AICP
Director of Planning

cc: Ron Demes, U.S. Navy
Ashley Monnier
Mark Finigan
John Woodson

Attachment 5



Attachment 6



FLORIDA DEPARTMENT OF STATE

Jim Smith
Secretary of State

DIVISION OF HISTORICAL RESOURCES

R.A. Gray Building

500 South Bronough

Tallahassee, Florida 32399-0250

Director's Office

(904) 488-1480

Telecopier Number (FAX)

(904) 488-3353

March 19, 1991

Hugh A. McClellan, Chief
Environmental Services Branch
Department of the Army
Mobile District, Corps of Engineers
Mobile, Alabama 36628-0001

In Reply Refer To:
Susan M. Herring
Historic Sites Specialist
(904) 487-2333
Project File No. 910671

RE: Cultural Resource Assessment Review Request
*Archaeological and Historical Investigations for
Proposed U.S. Navy Peary Court Housing Project
Key West, Monroe County, Florida
(U.S. Army Corps of Engineers, March 1991)*

Dear Mr. McClellan:

In accordance with the procedures contained in 36 C.F.R., Part 800 ("Protection of Historic Properties"), we have reviewed the above referenced project(s) for possible impact to archaeological and historical sites or properties listed, or eligible for listing, in the National Register of Historic Places. The authority for this procedure is the National Historic Preservation Act of 1966 (Public Law 89-665), as amended.

We have reviewed the above referenced report and find it to be complete and sufficient. On the basis of the information presented, we concur with the results of the investigations performed by the Mobile District archaeologists. We also concur with the recommendations that construction be allowed at all areas within Peary Court except for the area of the Key West Cemetery with buffer zone, the well at Cistern 10, and the area of suspected wells under the loop road. |

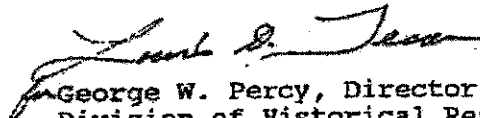


Mr. McClellan
March 19, 1991
Page 2

Thus, with the provision that the Navy adhere to the above referenced stipulations and the conditions of the Peary Court Memorandum of Agreement, it is the opinion of this agency that project activities will have no effect on any archaeological or historic sites or properties listed, or eligible for listing, in the National Register of Historic Places, or otherwise of national, state, regional, or local significance. The project is consistent with the historic preservation aspects of Florida's coastal zone program, and may proceed without further involvement with this agency.

If you have any questions concerning our comments, please do not hesitate to contact us. Your interest in protecting Florida's archaeological and historic resources is appreciated.

Sincerely,



George W. Percy, Director
Division of Historical Resources
and
State Historic Preservation Officer

GWP/smh

RECOMMENDATIONS

Based upon the archeological investigations at the U.S. Navy Peary Court property and subsequent discussions between the Navy, the Florida State Historic Preservation Officer (SHPO) and Mobile District, and in accordance with the Peary Court Memorandum of Agreement, it is recommended that the Navy set aside from any future development the area identified as the Key West Post cemetery. This would leave undisturbed those burials which were not moved in 1927 and obviate the need for additional archeological investigations in this area. As per discussions with the Florida SHPO and provisions of the Peary Court Memorandum of Agreement, a historic preservation plan has been prepared to outline the cemetery preservation and maintenance needs. Appendix 1 contains this plan.

Within the Barracks area, only the artesian well, located adjacent to the remains of Cistern 10, is recommended for avoidance and future preservation. At least two other wells are thought to be under the southern portion of the Peary Court loop drive. ~~Figure 2~~ shows the location of the well at Cistern 10 and the suspected location of the other wells. It is presently anticipated that these areas will be avoided by construction activities. The well at Cistern 10 will be left in its present undeveloped state as part of the preservation of the adjacent seagrape.

The suspected wells are located under the present loop road at Peary Court. It is planned that no subsurface activities will occur at this location, only repaving over the existing pavement.

There has been no historic preservation plan prepared for either the well at Cistern 10 or the suspected wells. There will be no required maintenance efforts at these sites and they will be noted as areas for avoidance of subsurface activities. If it is determined that either location cannot be avoided and they will be affected by construction additional archeological investigation will be required.

The archival research and archeological investigations conducted by Mobile District strongly indicate that no significant archeological remains will be found associated with the few surviving structural elements from the Key West Army Barracks. Demolishment of the Barracks buildings, erection and subsequent destruction of the Wherry housing units, and construction of the park ball fields have dramatically disturbed the Peary Court lands.

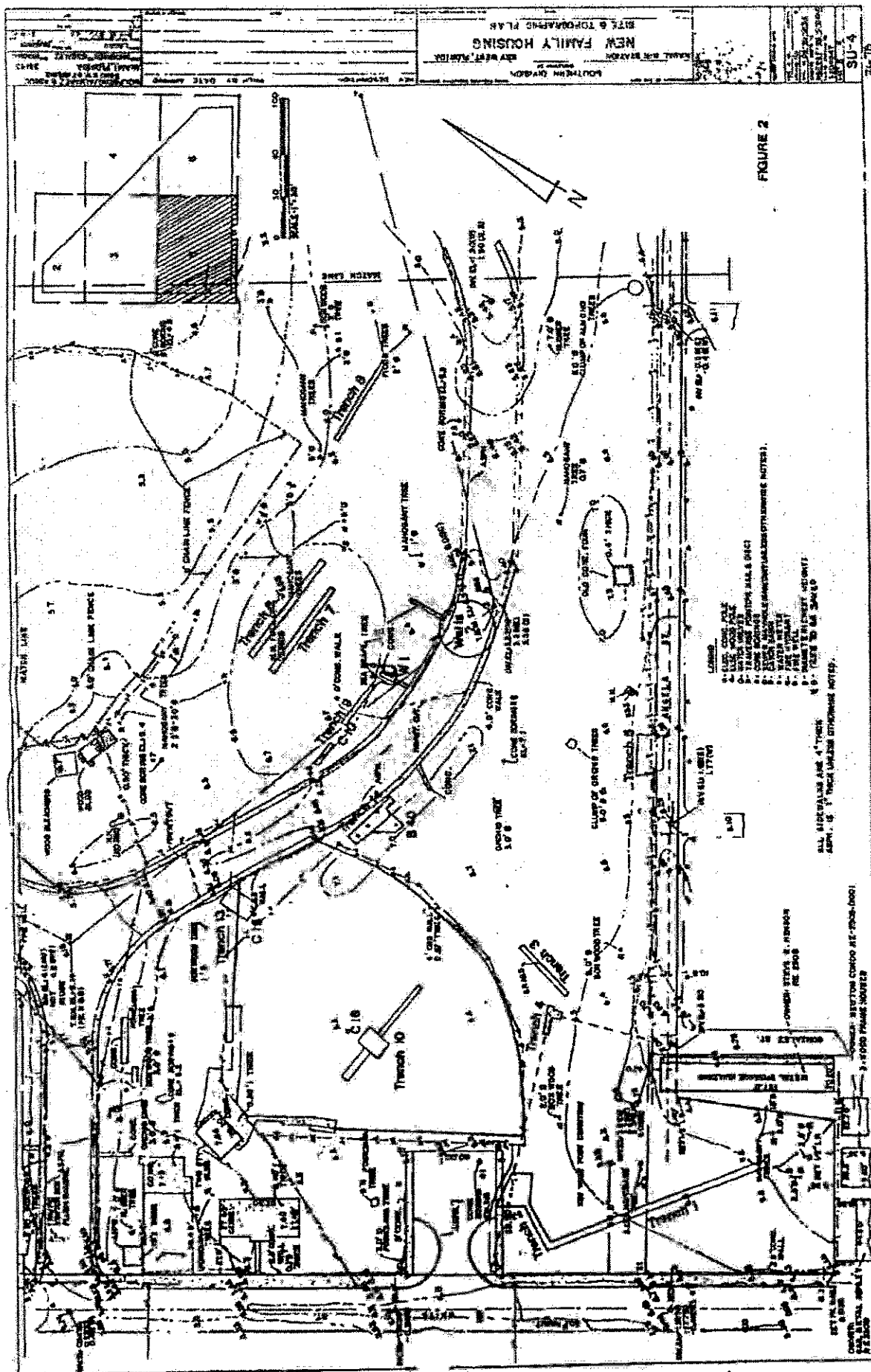
Although three semi-subterranean cisterns were located and more may be expected, none contained significant archeological materials or deposits. The Barracks cisterns appear to have been used and kept clean until their destruction in the 1940s. Because of their raised construction style, only a few concrete piers and brick column remnants may be expected to remain from the barracks, officer's housing, and public buildings. Although scattered remains of building piers and supports, as well as cisterns, are anticipated to be

45
*Figure 2 is not in the documents!
Founded.*

uncovered during construction activities, these sort of remains do not merit additional archeological investigations. The available maps, particularly the 1906 map, and period photographs tell us more about the Barracks buildings than could formal excavations. Encountering such remains would not in our opinion constitute an emergency discovery situation under the provisions of the Peary Court Memorandum of Agreement.

No Army refuse dumps or outhouses were discovered by the Mobile District investigations. Although it is believed that Army refuse was hauled off post and that outhouses were emptied by "night carts", there is the possibility that an emergency discovery of these sort of features or even isolated burials could occur during construction of the new Navy housing. Therefore, if these sort of remains are encountered, the Navy should be prepared to implement the emergency discovery provisions of the Peary Court Memorandum of Agreement.

In summary, it is the opinion of the Mobile District that construction be allowed without notification at all areas within Peary Court except for the area of the Key West Post Cemetery and a buffer zone, the well at Cistern 10 and the area of suspected wells under the loop road. The required cemetery buffer zone lies on the north and northeast sides of the cemetery and consists of a 5' set back from the original fence post holes to a new wrought iron fence, a 25' set back from the original fence post holes to new dwellings, and a 50' setback from the original fence post holes to any storm water runoff ponds.



Attachment 7



(305) 295-1000
1001 James Street
PO Box 6100
Key West, FL 33041-6100
www.KeysEnergy.com

UTILITY BOARD OF THE CITY OF KEY WEST

January 17, 2012

Mr. Jeff Green
Balfour Beatty Communities
617 Front Street
Key West, Florida 33040

Re: Peary Court Housing Project
Palm Ave and White Street
Key West, Florida

Dear Mr. Green:

I am in receipt of your email request for written clarification of how and under what circumstances the provision of service will continue after the conveyance of the Peary Court Housing project from government control to the private sector occurs. As we have previously discussed, Keys Energy Services will require that all locations be metered independently.

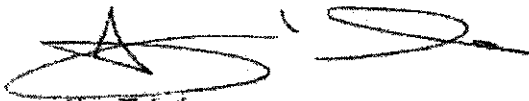
In order to accomplish this metering task and continue the operation of the electrical facilities, the following check list must be completed prior to the move from a government owned facility to the private sector:

- All the electrical facilities (Transformers, Underground Cables, Concrete Pads, Outdoor Lighting and Circuits, Meter Centers on each housing unit and electrical disconnects, as well as all grounding schemes) will have to be inspected and any violations of the electrical Codes, (NEC and NESC) must be brought into compliance. The City of Key West's Electrical Inspector, or a private Certified Electrical Inspector, must certify all the electrical services prior to the connection.
- Load information will be required (Project Review Forms) for each commercial site that will require power.
- All fees must be paid. (Contributions In Aid of Construction, Initial Permanent Service Charges and Security Deposits) In order for Keys Energy Services to provide an estimated cost, we would need to know the number of individual residential units, as well as the number of commercial sites (see above for commercial facility requirements)
- If the electrical facilities are to be turned over to Keys Energy Services to maintain and operate, all deficiencies must be corrected at the owner's expense prior to the official turn over.

The Peary Court Housing is currently master metered because Keys Energy Services has a special commodities contract with the US Military to provide service in this manner.

Keys Energy Services has implemented policies that restrict master meters for multiple residential or commercial customers. If the metering changes are not accomplished prior to the conveyance of the property, Keys Energy Services will have no choice other than to remove the master meter and interrupt services until such time as all meters have been set for each individual location. This includes any commercial activity that may remain on the property, for example the Keys Federal Credit Union.

Sincerely,

A handwritten signature in black ink, appearing to read 'Alex Tejeda', with a stylized flourish extending to the right.

Alex Tejeda
Customer Services Director

C:

Jack Wetzler, Assistant General Manager/CFO
Dale Finigan, Director of Engineering Services/Control
Matthew Alfonso, Engineering Services Supervisor
Nathan Eden, Attorney for the Utility Board of the City of Key West
Ron Demes, Naval Air Station Key West
Don Craig, Planning Director
David Paul Horan, Horan, Wallace, & Higgins LLP

Attachment 8

MEMORANDUM

TO: Brendon Cunningham, Planning Department, City of Key West

FROM: Karen DeMaria, Interim Urban Forestry Manager, City of Key West

DATE: October 5, 2011

RE: Peary Court

On October 3, 2011, a site inspection was done of the entire Peary Court complex. Photos were taken of the site. No currently listed Champion Trees are located on the site. This review does not address that area set aside as the cemetery area.

Numerous very large diameter trees are located throughout the complex. It does appear that some maintenance (trimming) will need to be done to the landscaping and the existing trees. Any maintenance trimming, removal, or relocation of trees on the property will require permits and review by the Tree Commission as stated in Section 110-321 of the Land Development Regulations:

- Any trees listed as "specially protected" in section 110-253;
- Any monocot trees (palms) eight feet or more in height;
- Any dicot trees 3.5 inches or more diameter at breast height;
- Any trees located on public property.



Ashley Monnier

From: Don Craig
Sent: Tuesday, February 21, 2012 8:25 AM
To: Ashley Monnier
Subject: Fwd: Sale of Peary Court
Attachments: smime.p7s

FYI
DC

----- Forwarded message -----

From: Demes, Ron A CIV CNRSE, N02 <ron.demes@navy.mil>
Date: Tue, Feb 14, 2012 at 4:36 PM
Subject: RE: Sale of Peary Court
To: Jim Scholl <jscholl@keywestcity.com>
Cc: Ted Lipham <TLipham@bbcgrp.com>, Lynnette Bonin <LBonin@bbcgrp.com>, Don Craig <dccraig@keywestcity.com>, Shawn Smith <sdsmith@keywestcity.com>

Thank you

-----Original Message-----

From: Jim Scholl [<mailto:jscholl@keywestcity.com>]
Sent: Tuesday, February 14, 2012 16:36
To: Demes, Ron A CIV CNRSE, N02
Cc: Ted Lipham; Lynnette Bonin; Don Craig; Shawn Smith
Subject: RE: Sale of Peary Court

Ron,

Your statement is true. The sale of the property at Peary Court will not have any negative impact on recreation in the City of Key West.

Jim Scholl
City Manager
Key West FL

-----Original Message-----

From: Demes, Ron A CIV CNRSE, N02 [<mailto:ron.demes@navy.mil>]
Sent: Tuesday, February 14, 2012 1:57 PM
To: James Scholl
Cc: Ted Lipham; Lynnette Bonin
Subject: FW: Sale of Peary Court

Mr. Scholl: Would you please send us confirmation that sale of Peary Court will not have any negative impact on recreation in the city.

V/r, Ron

R. A. DEMES
Executive Director/Business Manager
Naval Air Station
P. O. Box 9001
Key West, Florida 33040-9001
305.293.2866 Executive Suite
305.293.2488 XD/BM desk
305.293.2230 Fax
305.797.0158 XD/BM Cell
mailto:ron.demes@navy.mil

-----Original Message-----

From: Jim Scholl [<mailto:jscholl@keywestcity.com>]
Sent: Tuesday, January 24, 2012 16:15
To: Demes, Ron A CIV CNRSE, N02
Subject: RE: Sale of Peary Court

Ron,

When Peary Court is sold and the zoning change occurs, the units will all be placed on the City tax roll and therefore will be afforded the police, fire and emergency services that are the same as all taxed properties in the City of Key West.

Jim Scholl
City Manager
Key West

-----Original Message-----

From: Demes, Ron A CIV CNRSE, N02 [<mailto:ron.demes@navy.mil>]
Sent: Tuesday, January 24, 2012 1:08 PM
To: Jim Scholl
Subject: Sale of Peary Court

Jim Scholl: I wanted to confirm the discussion we had a few weeks ago regarding Peary Court when the Navy longer owns the property. Please confirm that upon sale of Peary Court, the City will assume police, fire and emergency services responsibly for the property as it provides for any other part of the city of Key West. We understand that the mutual aid agreement for Fire our fire department will not change as a result of the sale and we will still support the city in accordance with the agreement.

V/r, Ron Demes

R. A. DEMES

Executive Director/Business Manager
Naval Air Station
P. O. Box 9001
Key West, Florida 33040-9001
305.293.2866 Executive Suite
305.293.2488 XD/BM desk
305.293.2230 Fax
305.797.0158 XD/BM Cell
mailto:ron.demes@navy.mil

--
Donald Leland Craig , AICP

From: [Scott Fraser](#)
To: lvnn@oflynnsurveying.com
Cc: [Ashley Monnier](#); [Jo Bennett](#)
Subject: Received Elevation Cert. 553 Peary Ct. Modular
Date: Wednesday, February 15, 2012 3:37:47 PM

We've received the Elevation Certificate for the modular building located adjacent to the commercial building now occupied by the credit union. A review of this certificate shows there aren't any flood level concerns with this structure nor its mechanicals.

This completes the number of E/C that were needed for the Peary Court project. All previous concerns with certificates submitted have now been favorably addressed.

The remaining flood concerns relate to:

1. Unattached enclosed storage structures attached to the carports (flood vents)
2. Height of air conditioning units
3. Guard sheds (flood vents)

Thank you,

Scott
Scott Fraser
FEMA Coordinator/Floodplain Administrator
305-809-3810 o.
305-923-4964 c.
sfraser@keywestcity.com

Exhibit 6

Balfour Beatty Communities

12 February, 2012

Mr. Don Craig – AICP, Planning Director
The City of Key West
PO Box 1409
Key West, FL 33041-1409

Re: Stratification of Tenant Types

Dear Mr. Craig:

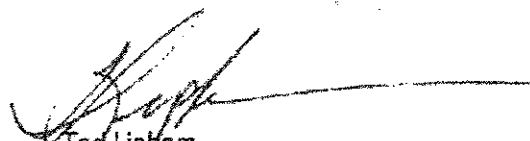
In response to your letter dated February 3, 2012, the following information is offered for your review and use:

- 1) The current average rental rate is \$1,954.02 – rent is not charged by family size.
- 2) The current number of Public Sector Civilian leases is 40.
- 3) The current number of Military leases is 93.
- 4) The current number of Other Preferred/Retirees is 9.
- 5) The current number of DOD Affiliated Civilians is 8.

Note: This is a snapshot in time and reflects 1 unit used for and office/model and 6 vacancies.

I trust this will satisfy the City of Key West's request concerning the stratification of tenant types. Please let me know if you have questions or require additional information.

Sincerely,



Ted Lipham
Project Director
Navy Region Southeast

Exhibit 7

RESOLUTION NO. 12-091

A RESOLUTION OF THE CITY COMMISSION OF
THE CITY OF KEY WEST, FLORIDA, ADOPTING
THE ATTACHED MAXIMUM INCOME, SALE AND
RENT SCHEDULE; PROVIDING FOR AN EFFECTIVE
DATE

WHEREAS, Section 122-1472 of the Code of Ordinances
establishes Workforce Housing guidelines for income, sale and
rent restrictions; and

WHEREAS, the U.S. Department of Housing and Urban
Development annually publishes Median Income and Maximum Income
and Rent Limits; and

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF
THE CITY OF KEY WEST, FLORIDA AS FOLLOWS:

Section 1: That the attached schedule of Maximum Income
Limits (Exhibit A) is hereby adopted.

Section 2: That this Resolution shall go into effect
immediately upon its passage and adoption and authentication by
the signature of the Presiding Officer and the Clerk of the
Commission.

Passed and adopted by the City Commission at a meeting held
this 20 day of March, 2012.

Authenticated by the Presiding Officer and Clerk of the
Commission on 21 day of March, 2012.

Filed with the Clerk on March 21, 2012.

ATTEST:


CHERYL SMITH, CITY CLERK

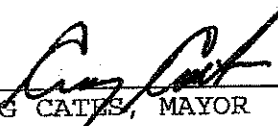

CRAIG CATES, MAYOR

EXHIBIT "A"

**City of Key West Work Force Housing
Income, Sale and Rent Limits Per
Ordinance No. 05-27, Section 122-1472**

2012 Income Limits Adjusted to Household Size Monroe County Median Income: \$72,400 Effective 12/01/11								
Percentage Category	Number of Persons in Household							
	1	2	3	4	5	6	7	8
60%	34,740	39,660	44,640	49,560	53,580	57,540	61,500	65,460
80%	46,320	52,880	59,520	66,080	71,440	76,720	82,000	87,280
100%	57,900	66,100	74,400	82,600	89,300	95,900	102,500	109,100
120%	69,480	79,320	89,280	99,120	107,160	115,080	123,000	130,920
140%	81,060	92,540	104,160	115,640	125,020	134,260	143,500	152,740
150%	86,850	99,150	111,600	123,900	133,950	143,850	153,750	163,650
160%	92,640	105,760	119,040	132,160	142,880	153,440	164,000	174,560

2012 Sale Limits Adjusted to Family Size				
Bedrooms	80%	100%	120%	140%
Efficiency	115,800	202,650	347,400	526,890
1 Bedroom	132,200	231,350	396,600	601,510
2 Bedrooms	148,800	260,400	446,400	677,040
3 Bedrooms	165,200	289,100	495,600	751,660
4 Bedrooms	178,600	312,550	535,800	812,630

2012 Rent Limits Adjusted to Family Size (not including utilities)				
Bedrooms	80%	100%	120%	140%
Efficiency	1,158	1,448	1,737	2,027
1 Bedroom	1,322	1,653	1,983	2,314
2 Bedrooms	1,488	1,860	2,232	2,604
3 Bedrooms	1,652	2,065	2,478	2,891
4 Bedrooms	1,786	2,233	2,679	3,126

Exhibit 8

Rick Scott
GOVERNOR



Doug Darling
EXECUTIVE DIRECTOR

November 14, 2011

Mr. Don Craig, Planning Director
City of Key West Planning Department
3140 Flagler Avenue
Key West, Florida 33040

Dear Mr. Craig:

This letter responds to a recent telephone discussion regarding the City's efforts to recognize the recent sale of Peary Court by the Boca Chica Naval Air Station. I have carefully reviewed the Comprehensive Plan and the Peary Court construction background. The Key West Comprehensive Plan contains Policy 3-1.1.3 which provides the following:

Policy 3-1.1.3: Additions to LDRs. Based on the Comprehensive Plan analysis of the "growth management", the City shall repeal the growth management ordinance and adopt as part of the land development regulations: (1) an affordable housing ordinance; and (2) a rate of growth ordinance.

Ratio of Affordable Housing to be made available City-wide: 1990-2010. The affordable housing ordinance shall stipulate that at least 30 percent of all residential units constructed each year shall be affordable as herein defined. Residential or mixed use projects of less than ten residential units shall be required to either develop thirty percent of the units as affordable on or off site, or contribute a fee in lieu thereof. However, residential projects of ten or more shall be required to provide affordable units on or off site and will not have the option of fees in lieu of construction. Commercial developments shall be required to provide affordable housing units or fees in lieu thereof based on provisions to be included in the updated land development regulations.

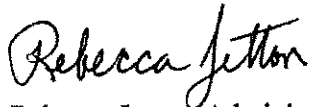
It is my understanding that Peary Court was constructed by the Federal Government and the City and the Department of Community Affairs took the position that the Naval Air Station is not required to obtain Rate of Growth allocations. Recently, the Boca Chica NAS has elected to sell the Peary Court units in the private sector.

The Caldwell Building 107 E. Madison Street Tallahassee, Florida 32399-4120
850.245.7105 TTY/TDD 1-800-955-8771 Voice 1-800-955-8770 FloridaJobs.org

Don Craig
November 14, 2011
Page 2

Policy 3-1.1.3 clearly articulates the intent to set aside thirty percent of new units as affordable housing. Since these units are "new" to the City and private sector, it is my opinion that the units are subject to the 30% affordable set aside. Please telephone (850) 717-8494 for any additional information that is needed.

Sincerely,

A handwritten signature in cursive script that reads "Rebecca Jetton".

Rebecca Jetton, Administrator
Area of Critical State Concern Program

Exhibit 9

**Environmental Baseline Survey
Public / Private Venture Housing Privatization
Naval Air Station
Key West, Florida**



April 2006

Prepared by:

Southern Division
Naval Facilities Engineering Command
North Charleston, South Carolina

ENVIRONMENTAL BASELINE SURVEY
PUBLIC / PRIVATE VENTURE HOUSING PRIVATIZATION
NAVAL AIR STATION, KEY WEST, FLORIDA

LIST OF ACRONYMS AND ABBREVIATIONS

ACM	asbestos-containing material
AIMD	Aircraft Intermediate Maintenance Department
asl	above sea level
AST	aboveground storage tank
ASTM	American Society of Testing and Materials
CERCLA	Comprehensive Environmental Response, Compensation, and Liability Act
DDT	dichloro-diphenyl-trichloroethane
DoD	Department of Defense
DoN	Department of the Navy
DPW	Department of Public Works
EBS	Environmental Baseline Survey
EBSR	Environmental Baseline Survey Report
E & E	Ecology and Environment
EPA	Environmental Protection Agency
FDEP	Florida Department of Environmental Protection
FEMA	Federal Emergency Management Agency
FNAI	Florida Natural Areas Inventory
ICRMP	Integrated Cultural Resources Management Plan
INRMP	Integrated Natural Resources Management Plan
IR	Installation Restoration
LBP	lead-based paint
LPST	leaking petroleum storage tank
MWR	Morale, Welfare, and Recreation
NAS	Naval Air Station
NFA	No Further Action
NRHP	National Registry of Historic Places
OFW	Outstanding Florida Water
OWS	oil/water separator
PCB	polychlorinated biphenyl
PAH	polycyclic aromatic hydrocarbon
ppm	parts per million
PRI	Project Resources Inc.
RCRA	Resource Conservation and Recovery Act
REC	recognized environmental condition
SCBG	self-contained emergency generator
SPCC	Spill Prevention, Control and Countermeasures
USACE	United States Army Corps of Engineers
USEPA	United States Environmental Protection Agency
UST	underground storage tank

ENVIRONMENTAL BASELINE SURVEY
PUBLIC / PRIVATE VENTURE HOUSING PRIVATIZATION
NAVAL AIR STATION, KEY WEST, FLORIDA

EXECUTIVE SUMMARY

In 2005, Project Resources Inc. (PRI) conducted a site visit as part of an Environmental Baseline Survey (EBS) for the naval family housing located within Naval Air Station (NAS) Key West in Monroe County, Florida. A follow-up site visit was conducted in April 2006 by Southern Division, Naval Facilities Engineering Command to assess potential changes in site conditions from the initial site visit. NAS Key West is comprised of 5,215 acres of land on six separate annexes (Boca Chica, Truman, Trumbo Point, Sigsbee Park, Branch Medical Clinic, and Saddlebunch), collectively called "NAS Key West", on Key West, Boca Chica Key, and Saddlebunch Key.

The Department of the Navy (DoN) is privatizing the family housing at NAS Key West. The DoN will issue the private entity an easement to gain access to the housing areas. An EBS is required by Department of Defense (DoD) policy before a property can be sold, leased, transferred, or acquired. No housing units are located in Boca Chica or Saddlebunch Annexes. Therefore, the environmental condition of the family housing at the four remaining annexes, herein referred to as "the subject property" was assessed during this EBS. PRI has prepared this EBS Report (EBSR) in accordance with the Statement of Work (SOW) [858] - Naval Family Housing Public / Private Venture (PPV), NAS Key West, Florida, dated September 11, 2003.

This EBSR is based on information obtained through record searches, interviews, and visual inspections of the Navy housing units and adjacent properties. Approximately ten percent of the housing units' exteriors were visually inspected during the EBS. This EBSR documents the results of this assessment.

The subject property contains 836 units in 352 buildings (See Figure 4-1 and Appendix A, Figures 1-1, 1-2, and 1-3 for location), as follows:

Truman Annex

Truman Annex contains a total of 91 units in 37 buildings. Two buildings were constructed in 1939, 22 buildings were constructed in 1956, 12 buildings were constructed in 1965, and one building was constructed in 1985.

Trumbo Point Annex

Trumbo Point Annex contains a total of 276 units in 112 buildings. Five buildings were constructed in 1941, 52 buildings were constructed in 1962, five buildings were constructed in 1965, and 50 buildings were constructed in 1993.

Sigsbee Park Annex

Sigsbee Park Annex contains a total of 464 units in 198 buildings. One hundred seventy nine buildings were constructed in 1962, and 19 buildings were constructed in 1965.

Branch Medical Clinic Annex

Branch Medical Clinic Annex contains five units/houses in five buildings constructed circa 1928.

ENVIRONMENTAL BASELINE SURVEY
PUBLIC / PRIVATE VENTURE HOUSING PRIVATIZATION
NAVAL AIR STATION, KEY WEST, FLORIDA

Representative photographs taken of the subject and adjacent properties are presented in Appendix B.

Recognized Environmental Conditions

The following recognized environmental conditions (RECs) were observed during this EBS. Recommendations regarding each REC are presented in Section 7.

Wetlands

According to interviews with NAS Key West Department of Public Works (DPW) personnel, no wetland delineation or survey has been conducted at NAS Key West. However, DPW personnel stated that any land that is unpaved or not covered with structures is considered wetlands. Based on PRP's observations and review of the housing location maps, it appears that wetlands are located within the bounds of the subject property.

Endangered/Threatened Species

According to the 2001 Integrated Natural Resources Management Plan (INRMP), there have been 25 rare, threatened, or endangered vertebrate species observed at NAS Key West. However, only seven of these 25 vertebrate species are state- or federally-listed endangered or threatened species, or species of special concern for the subject property.

Cultural Resources

According to the 2003 Integrated Cultural Resources Management Plan (ICRMP), there are 17 cultural resources (buildings, structures, and objects) at NAS Key West that are considered eligible for the National Register of Historic Places (NRHP) listing. Of the 17 cultural resources, five are located within the bounds of the subject property at the Branch Medical Clinic Annex (Quarters L-A, L-B, L-C, L-D, and L-G).

Environmental Restoration

Based on environmental records reviewed, it appears that there are a total of 14 environmental restoration sites (also referred to as the Installation Restoration [IR] sites) identified at NAS Key West. However, only three of these 14 sites are located adjacent to the subject property at Truman Annex. The following two IR sites are considered a potential environmental concern for the subject property:

- IR 1 - Truman Annex Refuse Disposal Area
- IR 3 - Truman Annex Former Dichloro-Diphenyl-Trichloroethane (DDT) Mixing Area
- IR 21 - Truman Annex Former Seminole Battery Site.

Asbestos-Containing Materials

According to an Asbestos Activity Summary (DoN, August 1997), a variety of building materials at the subject property contain asbestos. The DoN report indicates that asbestos-containing materials (ACMs) are categorized as Hazard Priority Level 5, ACMs representing a low potential hazard to occupants and workers due to being low or non-friable, and in good condition. The DoN report recommended implementation of an Operation and Maintenance (O&M) plan until these ACMs are properly abated. DPW personnel stated that some of the

ENVIRONMENTAL BASELINE SURVEY
PUBLIC / PRIVATE VENTURE HOUSING PRIVATIZATION
NAVAL AIR STATION, KEY WEST, FLORIDA

ACMs in single-story structures have been removed and an O&M plan is currently enforced at the subject property.

Based on the above information, it appears that ACMs are present at the subject property. However, in their current condition they present a low environmental concern.

Lead-Based Paint

According to a Lead Activity Summary (DoN, August 1997), selected units and playgrounds at the subject property were assessed for the presence of lead-based paint (LBP), lead in dust, and lead in soil. Based on the review of the DoN report, and interviews with on-site personnel, it appears that lead in paint, dust, and soil is present at the subject property. During site visits, the painted exterior surfaces appeared in good condition with no visible evidence of flaking, cracking, or peeling. It should be noted that, as part of this EBS, a lead survey was conducted for the subject property. Results of the lead survey were under separate cover. *[need survey reference]*

Property Classification

Based on analysis of the available data and RECs identified during this EBS, the subject property may be classified as Category I under the DoD Environmental Condition of Property System, which is defined below:

CATEGORY I - WHITE: Areas where no release or disposal of hazardous substances or petroleum products occurred (including migration of these substances from adjacent properties).

At this time, it is unclear whether the environmental restoration sites have had a significant adverse impact upon the environmental integrity of the subject property. The areas adjacent to IR 1, IR 3, and IR 21 may be classified as Category 5. Category 5 is defined as areas where release, disposal, and/or migration of hazardous substances have occurred, and removal and remedial actions are underway, but all required remedial actions have not taken place.

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NAVAL AIR STATION, KEY WEST, FLORIDA

TABLES

Table 4-1	Threatened, Endangered, or Special Concern Vertebrate Species at NAS Key West
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FIGURES

Figure 1-1	Regional Map
Figure 4-1	Site Topographic Map

Appendix A Figures

Figure 1-1	Sigsbee Park
Figure 1-2	Truman Annex IR Sites/Fuel Sites
Figure 1-3	Trumbo Point Annex

APPENDICES

Appendix A	Housing Map
Appendix B	Photographs

ENVIRONMENTAL BASELINE SURVEY
PUBLIC / PRIVATE VENTURE HOUSING PRIVATIZATION
NAVAL AIR STATION, KEY WEST, FLORIDA

1.0 INTRODUCTION

1.1 Introduction and Background

Project Resources Inc. (PRI) conducted a site visit in 2005 as part of an Environmental Baseline Survey (EBS) of the naval family housing at the Naval Air Station (NAS), Key West, Florida. (See Regional Map, Figure 1-1.) A follow-up site visit was conducted in April 2006 by Southern Division, Naval Facilities Engineering Command to assess potential changes in site conditions from the initial site visit.

The Department of the Navy (DoN) is privatizing the naval family housing and related improvements (hereinafter referred to as "the subject property") at NAS Key West (Appendix A, Figure A-1). The DoN will issue an easement to a private entity to gain access to the subject property. An EBS is required by the Department of Defense (DoD) to identify recognized environmental conditions (RECs), if any, before a property can be sold, leased, transferred, or acquired. RECs include the presence or likely presence of hazardous substances or petroleum products associated with the subject property, or immediate vicinity. The environmental condition of the subject property was assessed during this EBS.

This Environmental Baseline Survey Report (EBSR) summarizes readily available and relevant information into a single document to establish a baseline for use by the DoN in making decisions concerning real property transaction involving the subject property. It will also be used by the DoN in meeting its obligations under the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), 42 U.S. Code Section 9620(h), as amended by the Community Environmental Response Facilitation Act (Public Law 102-426).

Approximately 10 percent of the naval family housing in the subject property was inspected. Readily available information also was obtained and reviewed during the EBS. Photographs taken of the subject property and surrounding vicinity are presented in Appendix B.

1.2 Organization of EBSR

The organization of this EBSR follows the format for a base-wide EBS prescribed by the Naval Facilities Engineering Command Environmental Baseline Survey Guidance, March 1995, and Statement of Work (SOW) [858] - Naval Family Housing Public / Private Venture (PPV), Naval Air Station in Key West, Florida, dated September 11, 2003. Guidelines from the American Society of Testing and Materials (ASTM D 6008-96) were also followed.

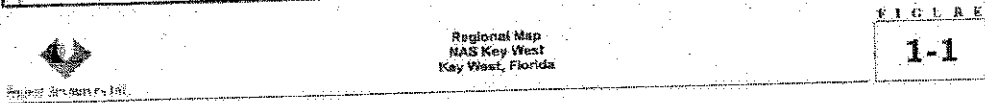
1.3 Parcel Identification and Boundaries

NAS Key West

NAS Key West is comprised of approximately 5,215 acres of land on six separate annexes, collectively called "NAS Key West", on Key West, Saddlebunch, and Boca Chica Keys in Monroe County, Florida. The six annexes include Boca Chica, Truman, Trumbo Point, Sigsbee Park, Branch Medical Clinic, and Saddlebunch Naval Radio Transmitter Facility (Saddlebunch).

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No naval family housing is located at Boca Chica or Saddlebunch Annexes. The remaining four annexes are as follows:



Regional Map
NAS Key West
Key West, Florida

FIGURE

1-1

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NAVAL AIR STATION, KEY WEST, FLORIDA

Truman Annex

The Truman Annex, formally the Naval Station, consists of approximately 150 acres, and occupies the southwestern corner of the City of Key West. The Truman Annex includes barrack quarters and family housing; Morale, Welfare, and Recreation (MWR) facilities; and several DoN tenant commands, including communications operations.

Trumbo Point Annex

The Trumbo Point Annex consists of approximately 133 acres along the northern shore of the City of Key West. Originally, Trumbo Point Annex included three destroyer piers (Piers D-1, D-2, and D-3), which are located at the west end of the Trumbo Point Annex. However, Piers D-1 and D-2 are not considered a part of NAS Key West. Pier D-1 is used by the Key West Detachment of the Naval Air Development Center, and Pier D-2 was transferred to the United States Coast Guard. Therefore, Pier D-3 is the only pier retained by the DoN that is capable of handling ocean-going vessels. Other significant facilities include family housing, light industrial, warehouse space, and the Combined Bachelors Quarters (CBQs).

Additionally, the following two sub-areas are associated with the Trumbo Point Annex.

Fleming Key

This Navy-owned island, consisting of approximately 257 acres of land, is located immediately north of the Trumbo Point Annex. Fleming Key supports a Navy Research Laboratory, weapons operations, and other federal activities, including U.S. Army facilities and a U.S. Customs Service Animal Import Center. The City of Key West wastewater treatment plant (WTP) is located on the south side of Fleming Key. No naval family housing is at Fleming Key.

Peary Court

Peary Court consists of approximately 29 acres of land, adjacent to and south of Trumbo Point Annex, used for residential and recreational purposes. Fifty houses are located on a 24-acre area, while a historical cemetery occupies five acres. Maintained grounds are landscaped with several species of hardwood trees.

Sigsbee Park Annex

Sigsbee Park Annex is comprised of approximately 352 acres of land located on Dredgers Key, which connects to Key West via a manmade causeway, and is surrounded by the Gulf of Mexico to the north, east, and west, and South Palm Keys to the south. Sigsbee Park Annex includes MWR facilities, public works operations, family housing, and community support services, including the Navy Exchange, a commissary, and the Sigsbee School. The northern 40 acres of this annex are undeveloped.

Branch Medical Clinic Annex

The Branch Medical Clinic Annex consists of approximately 14 acres of land located on the eastern end of the City of Key West. This annex includes one multi-story medical facility, one renovated and occupied historical building, five senior officer houses, the Energy Building, and a few miscellaneous buildings.

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Subject Property

The subject property is located within the Truman, Trumbo Point, Sigsbee Park, and Branch Medical Clinic Annexes of NAS Key West, and is comprised of 836 two-, three-, and four-bedroom apartments in 352 structures.

Additionally, approximately 20 playgrounds, several paved roads, and landscaped areas are located within the subject property.

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NAVAL AIR STATION, KEY WEST, FLORIDA

2.0 SURVEY METHODOLOGY

2.1 Approach and Rationale

This EBS employed a variety of methods to obtain the necessary information to assess the environmental condition of the subject property, including the following:

1. Search and review of available information and records in the possession of the DoN, and records made available by the regulatory agencies or other involved federal agencies
2. Review of reasonably obtainable federal, state, and local government records of facilities where there has been a release, or likely release, of hazardous substances or petroleum products or their derivatives, which is likely to cause or contribute to a release or threatened release of hazardous substance or petroleum product or their derivative within the subject property
3. Analysis of historic aerial and/or satellite imagery of the subject property and of nearby adjacent areas
4. Interviews with current owners and/or occupants of the subject property
5. Visual assessment of the subject property, and of properties immediately adjacent to the subject property, noting sewer lines, runoff patterns, evidence of environmental impact (e.g., stained soil, stressed vegetation, or dead or ill wildlife), and other observations that indicate actual or potential release of hazardous substances or petroleum products
6. Review of ongoing response actions that have been taken at the subject property or adjacent properties

2.2 Project Classification

Based on analysis of the available data and RECs identified during this EBS, the subject property may be classified into one or more of the following seven categories from the DoD Environmental Condition of Property System:

- | | |
|-------------------|---|
| CATEGORY 1 | WHITE: Areas where no release or disposal of hazardous substances or petroleum products occurred (including migration of these substances from adjacent properties) |
| CATEGORY 2 | BLUE: Areas where only a release or disposal of petroleum products or their derivatives has occurred |
| CATEGORY 3 | LIGHT GREEN: Areas where release, disposal, and/or migration of hazardous substances has occurred, but at concentrations that do not require removal or remedial action |
| CATEGORY 4 | DARK GREEN: Areas where a release, disposal, and/or migration of hazardous substances has occurred, and all remedial actions necessary to protect human health and the environment have been taken |

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- CATEGORY 5** **YELLOW:** Areas where release, disposal, and/or migration of hazardous substances have occurred, and removal and remedial actions are underway, but all required remedial actions have not taken place
- CATEGORY 6** **RED:** Areas where release, disposal, and/or migration of hazardous substances have occurred, but required actions have not been implemented
- CATEGORY 7** **GREY:** Areas that are not evaluated or require additional evaluation.

2.3 Related Reports

The following is a listing of the documents that have been reviewed for this EBS:

Blasland, Bouck & Lee, Inc. 2001. Tank Management Plan, Naval Air Station Key West, Key West, Florida. February 2001.

DoN. 1991. Final Quality Assurance Project Plan; Field Sampling Plan; Health and Safety Plan; PCB Testing, Naval Air Station Key West, Florida. November 1991.

DoN. 1993. Construction of a Solar Electro-Optical Network Facility, Key West Naval Air Complex, Key West, Florida. 1993

DoN. 1997. Asbestos Activity Summary, NAS Key West, Key West, Florida. August 1997

DoN. 1997. Lead Activity Summary, NAS Key West, Key West, Florida. August 1997

DoN. 2001. Integrated Natural Resources Management Plan for the Naval Air Facility Key West, Florida. August 2001.

Ecology and Environment (E & E). 2000. Environmental Assessment for Disposal and Refuse of Truman Waterfront, NAS Key West, Florida, Working Copy prepared for the DoN, Naval Facilities Engineering Command, Southern Division.

Ensafe PCCI. 2003. Spill Prevention, Control, and Countermeasure Plan. Prepared for Naval Air Station Key West, Florida. May 2003.

Naval Air Station Key West, Environmental Department. 2004. 90-Day Collection Points.

Project Resources Inc. *Environmental Baseline Survey, Public/Private Venture Housing Privatization, Naval Air Station, Key West, Florida.* March 2005.

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Tetra Tech NUS, Inc. 2003. RCRA Corrective Management Plan, Rev. 4, Naval Air Station, Key West, Florida. July 2003.

Tetra Tech NUS, Inc. 2004. Key West and Boca Chica Key Site Directory, Naval Air Station Key West, Florida. 2004.

United States Army Corps of Engineers, Mobil District 2003. Final Document Integrated Cultural Resources Management Plan for Naval Air Station Key West, Florida 2003-2008. Contract Number DACA01-02-D-0001. Technical assistance from Brockington and Associates, Inc. July 2003.

University of Florida, Institute of Food and Agriculture Sciences. "Florida Forestry Information." Available at <<http://www.sffc.ufl.edu/Extension/ffws/soils.html>> as of December 28, 2004.

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3.0 PAST AND CURRENT USE

3.1 Subject Property

The subject property is the family housing community located within NAS Key West. Review of historical documents, including aerial photograph for NAS Key West, and interviews with on-site personnel revealed that prior to 1928, the majority of the land was generally vacant.

The subject property was constructed in separate phases between 1928 and 1993, as follows:

Truman Annex

Truman Annex contains a total of 91 units in 37 buildings. Two buildings were constructed in 1939, 22 buildings were constructed in 1956, 12 buildings were constructed in 1965, and one building was constructed in 1985.

Trumbo Point Annex (including Peary Court)

Trumbo Point Annex contains a total of 276 units in 112 buildings. Five buildings were constructed in 1941, 52 buildings were constructed in 1962, five buildings were constructed in 1965, and 50 buildings in Peary Court were constructed in 1993.

Sigsbee Park Annex

Sigsbee Park Annex contains a total of 464 units in 198 buildings. One hundred seventy nine buildings were constructed in 1962, and 19 buildings were constructed in 1965.

Branch Medical Clinic Annex

Branch Medical Clinic Annex contains five units/houses in five buildings constructed circa 1928.

3.2 Adjacent Property

The land surrounding the subject property is occupied by NAS Key West, which is the southernmost Naval facility in the continental United States. NAS Key West began in 1917 as a coastal air patrol station. One year later, a training base for seaplane pilots and a blimp facility were established. During World War I, NAS Key West was commissioned as Headquarters, Seventh Naval District. When World War I ended, NAS Key West remained in caretaker status until 1939. In 1940, NAS Key West was reestablished with the following major additions: Satellite Meacham Field for lighter than air transport; Boca Chica Annex for land planes; Seaplane Base; and an operating and training base for fleet aircraft squadrons. In 1945, the satellite fields were combined and used for one aviation activity under the current designation, and maintained as a training and experimental site. In 1962, NAS Key West was heavily involved in the Cuban Missile Crisis, supporting reconnaissance and operational flights. Today, NAS Key West serves as a pilot training facility for transient tactical aviation squadrons, and conducts search and rescue.

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4.0 ENVIRONMENTAL SETTING

4.1 Location

NAS Key West is located in Monroe County, in the southern portion of the State of Florida. NAS Key West encompasses approximately 5,215 acres spread through several areas of the lower Florida Keys.

4.2 Physiography

The physiography in Florida is the result of erosion, deposition, and solution-related processes that have formed the land over time. Within Florida, there are 10 major physiographic subdivisions. NAS Key West is located in the Gold Coast-Florida Bay District, a uniformly low-lying district that includes the southern and southwestern drainage area from Lake Okechobee (the Everglades), with conical ridges, mangrove swamps, and the Florida Keys. Parental material is largely limestone rock with a sand, marl, and organic material covering. The ecosystems associated with the Gold Coast-Florida Bay District include marshes, dwarf cypress, prairies, rocklands, and mangroves (University of Florida, 2004). NAS Key West is predominately flat, with elevations ranging from sea level to approximately five feet above sea level (asl).

Drainage

Storm sewers drain approximately 50 percent of the Key West area. Drainage occurs via overland flow and gravity feed to storm sewer systems that route runoff to nearby tidal waters. Drainage at NAS Key West, including Boca Chica Annex, Trumbo Point Annex, Truman Annex, and Sigsbee Park Annex, consists of 51 drainage areas. Within these 51 drainage areas, there are approximately 30 direct discharges, either through drainage pipes or concentrated ditch flows. There are 21 drainage areas that either sheet flow to low points with no apparent outfall, or sheet flow offsite with no concentrated outfall. The average rainfall at NAS Key West is 40 inches, with approximately half of the annual rainfall occurring between June and October. The NAS Key West area has periodically been subject to hurricane activity, most of which has approached from the south and east, with high winds and tidal flooding.

Surface Water

NAS Key West is located within the Florida Keys National Marine Sanctuary, and is designated as "special water: Outstanding Florida Water (OFW)," which contains approximately 9,500 square kilometers of water and submerged lands. Marine waters in close proximity to NAS Key West include Hawk Channel, Boca Chica Channel, Garrison Bight Channel, Man of War Harbor, Northwest Channel, Biscayne Bay, Florida Bay, and the Gulf of Mexico.

4.3 Geology

Geological Formations

The Florida Keys are part of the Florida Plateau, where Pleistocene limestone and limestone cap rocks are prevalent. All of the Lower Keys are composed of Miami oolite, which consists of soft, white to yellow, stratified to massive, cross-bedded, constituted, or pure calcium carbonate

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that may contain shell fragments and minor quartz sand. Its major constituents are tiny oolids, which are spherical calcareous grains with concentric structure, cemented to form oolitic rock.

Key Largo Limestone underlies the Miami Oolite on all of the Lower Keys. Its major constituents are the cemented remains of ancient coral reefs and a subsidiary amount of fossils or coral, shell algae, and echinids (DoN, 2001).

Soil Types

Based on review of the 2001 Integrated Natural Resources Management Plan (INRMP), it appears that the soil in the Key West area belongs to the Rock Island or Urban Land Association. This soil has been created as a result of dredge and fill activities, or has accumulated as a result of the physical and chemical weathering of the parent oolitic limestone (DoN, 1993). The soil types consist of sand, shell, and limestone fragments mixed with small amounts of marine sediment. These unconsolidated soil types are very permeable and drain well (B & E 2000). The original soil types in the Key West area are mostly entisols, dominated by level, very poorly-drained organic soil underlain by limestone (DoN 1993).

Sigsbee Park Annex consists of urban land, Cudjoe marl, and tidal soil (which are described as poorly-drained soil with shallow to rippable coral or oolitic limestone bedrock). Trumbo Point Annex (including Fleming Key and Peary Court), Truman Annex, and the Branch Medical Clinic Annex consist solely of urban land (DoN, 2001).

Floodplains

The Federal Emergency Management Agency (FEMA) defines floodplains as areas subject to a one percent or greater change of flooding in any given year. Floodplains are low, relatively flat areas, adjoining inland and coastal waters. All of NAS Key West is within a floodplain and is susceptible to storm surge flooding. The 100-year storm and 500-year storm tidal surges are estimated to be eight feet and 12 feet asl, respectively. The potential for strong currents and wave action compounds the flood hazard. Approximately 86 percent of Key West Key is below five feet asl, and is subject to flooding, roughly every 15 years, from lesser storm surges.

4.4 Hydrogeology

Monroe County is located within the Florida Bay-Florida Keys Watershed, which encompasses approximately 2,000 square miles. Rainfall runoff from the city of Key West is carried to the tidal water by overland flow or storm drains that cover approximately 50 percent of the island; however, much of the rainfall percolates directly into the porous limestone.

There are areas of deep-water habitat in the vicinity of the Naval Training Area and Bombing Range. Tidal flats occur near sea level and are subject to daily tidal inundation. Portions of the Key West area are covered with mangrove swamps, which are either flooded with each tide, or, if cut off from tidal action, remain permanently wet. There are also some narrow strips of beach and adjacent coastal dunes in the Key West area (DoN, 2001).

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Water Supply

The two main aquifers that underlie the Florida Keys are the Biscayne Aquifer (commonly referred to as the Surficial Aquifer) and the Floridian Aquifer (a confined artesian aquifer). The Biscayne Aquifer is the primary system, and is considered one of the most productive and permeable in the world. However, because of its excessive chloride content in the Florida Keys, the Biscayne Aquifer is used as a non-potable water source. The freshwater lens averages five feet below the center western half of Key West, and contains 20 to 30 million gallons of freshwater, depending on the season. This freshwater is exposed to pollution from sewer lines in the sewer system to Hawk Channel. No known source of potable artesian water exists in Key West.

4.5 Topography

The topography at NAS Key West is flat, with elevation averaging four feet to six feet asl (See Figure 4-1). The airfield elevation (the highest point of the runway system) of the Boca Chica Annex is approximately six feet above asl. Large interior areas of the Boca Chica Annex range from sea level to two feet below sea level. The elevation of the Truman Annex ranges from five feet to 10 feet asl (DoN, 2001). Typically the Florida Keys are bordered by low intertidal flats, which gradually slope to deeper water (Ensaf, 2003).

4.6 Natural Resources

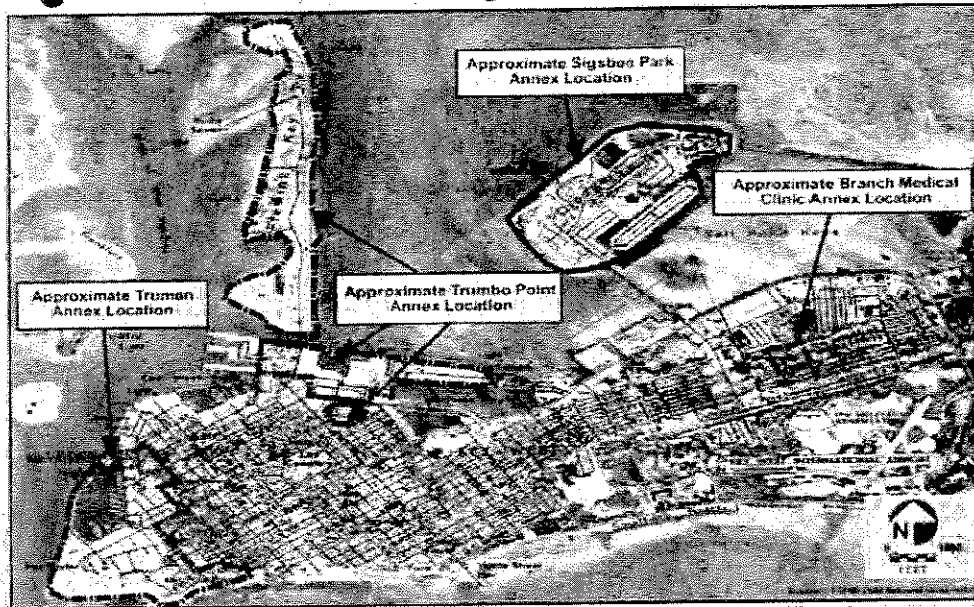
Wetlands

Wetlands are generally considered to be a transitional zone between a terrestrial and aquatic environment. These areas are characterized by physical, chemical, and biological features indicative of hydrological conditions. Currently, wetlands are regulated at the federal level by the United States Army Corps of Engineers (USACE), under Section 404 of the Clean Water Act of 1977.

It appears that jurisdictional wetland boundaries have not been delineated at NAS Key West, as specified in the USACE 1989 Wetland Delineation Manual. According to NAS Key West Department of Public Works (DPW) personnel, any land that is unpaved or not covered with structures is considered wetlands. Based on PRI's observations and review of the housing location maps, it appears that wetlands are located within the bounds of the subject property.

Endangered/Threatened Species

In 1992 and 1993, Florida Natural Areas Inventory (FNAI) conducted surveys to identify endangered, threatened, and rare plant and vertebrate species that occur at NAS Key West. These FNAI survey results were presented in the 2001 INRMP. According to the INRMP, there have been no rare, threatened, or endangered plant species identified within the bounds of the subject property. However, 25 rare, threatened, or endangered vertebrate species was reported at NAS Key West. Only seven of these 25 species are state- or federally-listed and are suspected to occur on the subject property. Table 4-1 presents the seven vertebrate species that may occur, or have the potential to occur, within the bounds of the subject property.



Site Topographic Map
NAS Key West
Key West, Florida

FIGURE

4-1

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TABLE 4-1
Threatened, Endangered, or Special Concern Vertebrate Species at NAS Key West

Common Name	Scientific Name	Federal Status	State Status
Bald Eagle	<i>Haliaeetus leucocapillus</i>	Threatened	Threatened
Osprey	<i>Pandion haliaetus</i>	Not Listed	Species of Special Concern
Least Tern	<i>Sterna antillarum</i>	Not Listed	Threatened
Roseate Tern	<i>Sterna dougallii</i>	Threatened	Threatened
Eastern Indigo Snake	<i>Drymarchon corais couperi</i>	Threatened	Threatened
Silver Rice Rat	<i>Oryzomys palustris</i>	Endangered	Endangered
Lower Keys Marsh Rabbit	<i>Sylvilagus palustris hefneri</i>	Endangered	Endangered

Based on the environmental records reviewed, endangered or threatened vertebrate species are considered a recognized environmental condition (REC) for the subject property.

4.7 Cultural Resources

According to the 2003 Integrated Cultural Resources Management Plan (ICRMP), there are reportedly 17 cultural resources (buildings, structures, objects) at NAS Key West that are considered eligible for the National Register of Historic Places (NRHP) listing. Of the 17 cultural resources, five are located within the bounds of the subject property at the Branch Medical Clinic Annex (Quarters L-A, L-B, L-C, L-D, and L-G).

Based on information in the environmental records and housing location maps reviewed, there appear to be five archeological resources that are considered RECs for the subject property.

4.8 Archeological Resources

Based on information gathered during review of the 2003 ICRMP, it appears that there are no archeological resources at NAS Key West. Therefore, archeological resources are not considered a REC for the subject property.

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5.0 ENVIRONMENTAL CONDITIONS

5.1 Federal / State Regulatory Agreements / Permits

According to DPW personnel, NAS Key West is current with required permits issued by local, state, and federal agencies. DPW personnel stated that no notices of violations have been issued by the regulatory agencies for the subject property or its immediate vicinities.

5.2 Hazardous Substances / Waste Management

Hazardous Substances

According to the 2003 Spill Prevention, Control and Countermeasure Plan (SPCC Plan), a variety of hazardous substances are used and stored at NAS Key West. However, no hazardous substance storage or usage areas were observed or reported at or adjacent to the subject property.

Hazardous Waste

According to the SPCC Plan and based on DPW personnel interviews, a variety of regulated, non-regulated, and conditionally-exempt hazardous wastes are generated and stored at NAS Key West. None of the hazardous waste collection areas are located within or adjacent to the subject property. Therefore, hazardous waste storage at NAS Key West does not appear to be an environmental concern for the subject property.

5.3 Petroleum Contamination

Documentation was reviewed on the existing aboveground storage tanks (ASTs), underground storage tanks (USTs), portable ASTs, mobile (truck) storage units, oil/water separators (OWSs), emergency generators, self-contained emergency generators (SCEGs), and underground piping at the Boca Chica Annex DPW. Based on that review, it appears that ASTs and USTs have been documented as the source of 11 leaking petroleum storage tank (LPST) sites. Except for one, none of the LPST sites are located within the bounds of the subject property. LPST site C-2076 is located adjacent to the southwestern area of Trumbo Point Annex. According to the DPW personnel, a formal closure letter was issued by the local environmental agency in the late 1990s requiring "no further action" for this site. Therefore, the LPST sites are not considered an environmental concern for the subject property at this time.

Underground Storage Tanks

According to the SPCC, three USTs, containing various grades of gasoline, are located at Citgo service station at the Sigbee Park Annex. The USTs range in capacity from 6,000 to 10,000 gallons. According to the SPCC UST location map, and conversations with the DPW personnel, none of the USTs are located within or adjacent to the subject property. Therefore, the listed USTs are not considered to represent an environmental concern for the subject property.

Aboveground Storage Tanks

According to the SPCC, 36 aboveground storage tanks (ASTs), containing petroleum products, are located at Truman, Trumbo Point, Sigbee Park, and Branch Medical Clinic annexes. At the time of PRI's site visit, the ASTs located within the subject property appeared to be well-

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maintained and secure, with no visible evidence of leaks or spills. Therefore, the ASTs are not considered to represent an environmental concern for the subject property at this time.

Mobile Storage Tanks

According to the 2003 SPCC Plan, there are several mobile fuel storage trucks and bowser tanks located at NAS Key West. The mobile trucks and bowser tanks are generally parked at the Boca Chica Annex, and are not considered to be within the bounds of the subject property. Therefore, these mobile storage units are not considered to pose an environmental concern for the subject property.

Oil/Water Separators

Based on a review of the 2003 SPCC Plan, it appears that there are seven OWS located at NAS Key West. No leaks or spills have been reported from the OWSs. Therefore, OWSs are not considered to pose an environmental concern for the subject property.

Self-Contained Emergency Generators

According to the 2003 SPCC Plan, there are 56 SCEGs, ranging in capacity between 25 and 2,000 gallons, located at NAS Key West. Twelve of the 56 SCEGs are located at Truman, Trumbo Point, Sigbee Park, and Branch Medical Annexes. Since no leaks or spills were reported from these SCEGs, they are not considered to pose an environmental concern for the subject property.

5.4 Environmental Restoration

According to environmental records reviewed, a total of 14 environmental restoration sites have been identified at NAS Key West. However, only two of these environmental restoration sites are located within the bounds of the subject property, as follows:

Installation Restoration (IR) 1: Truman Annex Refuse Disposal Area

The Truman Annex Refuse Disposal Area (IR 1) is located adjacent to the northwest corner of the subject property. IR 1 was used for general refuse, waste paint thinner, and waste solvent disposal and open burning from 1952 until the mid 1960s. In 1996, approximately 4,900 cubic yards of lead-contaminated soil were excavated from IR 1 and transported to a recycling facility. In 2001, IR 1 was placed on an annual monitoring schedule. Groundwater samples were analyzed for metals, and sediment samples were analyzed for metals, pesticides, polychlorinated biphenyl (PCBs), and polycyclic aromatic hydrocarbons (PAHs). Both groundwater and sediment samples reported several compound concentrations above the USEPA action levels from each of the analytical parameters. Continued land use controls and monitoring are the required action at this site.

IR 3: Truman Annex Former Dichloro-Diphenyl-Trichloroethane (DDT) Mixing Area

The Truman Annex former DDT Mixing Area (IR 3) is located adjacent to the northeast corner of the subject property. From the 1940s to the early 1970s, IR 3 was used as a DDT mixing area. Powdered DDT was mixed with water and temporarily stored in 55-gallon drums, both inside and outside the pesticide mixing building (former Building 265). Discharges at this site were

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reportedly from accidental spills. Initial surface soil sampling and analyses reports in 1986 indicated the presence of DDT and other pesticides at IR 3. Groundwater samples collected in 1990 also showed pesticide contamination at IR 3. In 1993, metals in concentrations above the regulatory action level were reported in soil at IR 3. The building at IR 3 was removed sometime in late 1990 and an asphalt cap was installed in 2001. IR 3 is currently used as a surface parking lot. Continuing land use controls and asphalt cap are the required action at this site. Groundwater is being monitored.

IR 21: Truman Annex Former Seminole Battery Site

The Truman Annex Former Seminole Battery Site is situated on the corner of historic Seminole Battery - Truman Annex and was determined to be contaminated with polynuclear aromatic hydrocarbons (benzo-(a)pyrene) as a result of former disposal practices. In 1999 an Interim Removal Action disposed of the majority of contaminated soil; however, some residual contamination was located under the foundation wall of the historical structure. Employing Engineering and Land Use Controls, there is a no digging restriction placed the Truman Annex Former Seminole Battery Site land use.

At this time, it appears that none of the three IR sites mentioned above have had a significant adverse impact on the environmental integrity of the subject property. This is primarily predicated upon the Site's Decision Documents, which identified Fate and Transport modes for residual contamination.

5.5 Solid / Biohazardous Waste

Solid waste accumulation at the subject property is limited to household items, such as paper and plastic generated in the individual units. An outside contractor removes and disposes of the subject property's solid waste. Several trash bins were observed throughout the subject property, and no evidence of illegal dumping of hazardous materials was observed during site visits.

Biohazardous waste is only generated and stored inside the multi-story medical building at Branch Medical Clinic Annex. However, the medical/dental facility is not located within or adjacent to the subject property. No biohazardous waste is generated within the subject property.

5.6 Polychlorinated Biphenyl Compliance

PCBs are potentially toxic substances that are commonly found in electrical transformers. The commercial use of PCBs has been banned in the United States since 1979.

According to NAS Key West DPW personnel and a review of the 1991 Final Quality Assurance Project Plan for PCB Testing, NAS Key West removed all electrical equipment (e.g. transformers and capacitors) known to contain regulated levels of PCBs, and is reported to be PCB-free at this time. Therefore, based on the available information, PCBs do not appear to be a REC for the subject property.

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5.7 Asbestos-Containing Material

According to an Asbestos Activity Summary (DoN, August 1997), selected units at the subject property were inspected for the presence of suspected asbestos-containing material (ACM). During the inspection, suspected ACMs were sampled and later analyzed. Asbestos was detected in the following materials:

Truman Annex

- Transit panels, soffits
- Gray backing, kitchen linoleum
- Floor tile and mastic, all rooms except kitchen
- Black mastic, living room, and bedroom no. 1

Trumbo Point Annex

- Floor tile, garage
- Gray backing on linoleum, bedroom no. 4
- Transite panels, under window
- Pipe insulation, garage
- Roofing tar, roof
- Built-up roof, roof
- Floor tile and mastic, all rooms
- Gray backing on linoleum, kitchen
- Transite pegboard, soffits

Sigsbee Park Annex

- Gray transite panels, eaves
- Tan floor tile (second layer), throughout units
- Black sink undercoating, kitchen
- Gray backing on gray linoleum, kitchen
- Built-up roof, roofs
- Black mastic on beige floor tile, kitchen
- Gray backing on gray speckled linoleum, kitchen

Branch Medical Clinic Annex

- Floor tile (second layer), kitchen foyer, and bedroom no. 4.

The DoN report indicates that the above ACMs are categorized as Hazard Priority Level 5, ACMs representing a low potential hazard to occupants and workers due to being low or non-friable, and in good condition. The Asbestos Activity Summary report recommended implementation of an Operation and Maintenance (O&M) plan until these ACMs are properly abated. DPW personnel stated that some of the ACMs in single-story structures have been removed. An O&M plan is currently being enforced within the subject property.

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Based on the above information, ACMs appear to be present at the subject property. However, in their current condition, ACMs are a low environmental concern.

5.8 Lead Assessment

Use of lead-based paint (LBP) in residential properties was banned in the United States in 1978.

According to DoN Lead Activity Summary (DoN, August 1997), selected units and playgrounds within the subject property were assessed for the presence of LBP, lead in dust, and lead in soil. The criteria for the lead assessment were based on the action levels set forth by the Department of Housing and Urban Development (HUD) and USEPA guidelines, as follows:

- **LBP:** 1.0 milligram per square centimeter utilizing X-ray fluorescence (XRF) analyzer or 0.5 percent by weight (or 5,000 parts per million [ppm]) using laboratory analysis
- **Lead in Dust:** 100 milligram per square foot (floors)
500 milligram per square foot (window sill)
800 milligram per square foot (window well)
- **Lead in Soil:** < 400 ppm, no action necessary
400 - 3000 ppm, interim controls
> 5000 ppm, abatement necessary.

During the assessment, samples were collected and analyzed for the presence of lead. According to the Lead Activity Summary, LBP was detected in concentrations above the HUD recommended action levels in the following interior and exterior building materials throughout the subject property:

- Interior and exterior doors
- Door moldings
- Interior and exterior door jams
- Storage door jams
- Utility door jams
- Garage doors
- Garage walls
- Garage windows
- Garage door moldings
- Carport columns
- Patio ceiling
- Baseboards
- Exterior fascia
- Soffits
- Closet shelves

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- Interior walls
- Window sills.

Additionally, 20 of the 201 XRF shot samples from the playgrounds of the subject property yielded positive results for LBP.

None of the dust samples collected and analyzed at Sigsbee Park Annex indicated concentrations exceeding the corresponding action levels. However, lead in dust above the action levels was detected at the remaining three annexes. No dust samples were collected from the playgrounds at the subject property.

None of the soil samples collected and analyzed at the Branch Medical Clinic Annex and playgrounds indicated concentrations exceeding the corresponding action levels. However, lead was detected in soil in the remaining three annexes.

According to NAS Key West DFW personnel, only LBP in the fascia and soffits of the two-story structures at the subject property have been abated. Based on the review of the DoN report, and interviews with on-site personnel, it appears that lead in paint, dust, and soil is present within the subject property. During PRI's site visit, the painted exterior surfaces appeared in good condition, with no visible evidence of flaking, cracking, or peeling. It should be noted that as part of this EBS a lead survey is being scheduled for the subject property. Results of the lead survey will be presented under separate cover.

5.9 Pesticides and Herbicides

According to DFW personnel, there are no pesticide- or herbicide-related chemicals stored at NAS Key West. An outside contractor conducts pesticide and herbicide spraying as needed. Since there are no pesticides or herbicides stored or mixed at NAS Key West, it is unlikely that pesticides and herbicides are an environmental concern within the subject property.

5.10 Other Environmental Concerns

No other environmental concerns were identified within the subject property or immediately adjacent areas.

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6.0 ADJACENT PROPERTIES

Land immediately surrounding the subject property is within the boundaries of NAS Key West, including the following annexes: Truman, Trumbo, Sigsbee Park, and Branch Medical Clinic. Areas adjoining NAS Key West are primarily water bodies, residential and light commercial.

Truman Annex is adjacent to the Gulf of Mexico to the north and west, the Atlantic Ocean to the south, and residential and light commercial use areas to the east.

Trumbo Point Annex is surrounded by: the Gulf of Mexico and Fleming Key to the north; a United States Coast Guard Station to the west; Peary Court, other residential property, and the Atlantic Ocean to the south; and the Gulf of Mexico, residential, and light commercial use areas to the east.

Fleming Key is surrounded by the Gulf of Mexico, with a causeway to Trumbo Point Annex to the south.

Peary Court is located adjacent to residential and commercial uses to the west, south, and east; and Trumbo Point Annex to the north.

Sigsbee Park Annex is located on Dredgers Key, which is surrounded by the Gulf of Mexico to the north, east, and west; and South Palm Keys to the south.

The Branch Medical Clinic Annex is bounded by residential use areas to the south and west, Cow Key Channel to the east, and hotels and motels along Roosevelt Boulevard to the north.

The properties adjacent to NAS Key West do not appear to present an environmental concern for the subject property at this time.

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7.0 PROPERTY ASSESSMENT

The following RECs were identified during the EBS.

Wetlands

According to interviews with NAS Key West DPW personnel, no wetland delineation or survey has been conducted at NAS Key West. However, DPW personnel stated that any land that is unpaved or not covered with structures is considered wetlands. Based on PRP's observations and review of the housing location maps, it appears that wetlands are located within the bounds of the subject property.

Due to the close proximity of the wetlands to the subject property, housing-related maintenance or repair activities should be conducted as directed by the appropriate DPW personnel to reduce possible impact upon the wetlands.

Endangered/Threatened Species

According to the 2001 INRMP, there have been 25 rare, threatened, or endangered vertebrate species observed at NAS Key West. However, only seven of these 25 vertebrate species are state- or federally-listed endangered or threatened species, or species of special concern for the subject property.

If future housing-related activities within the subject property have the potential to impact the endangered, threatened, or species of special concern appropriate DPW personnel should be notified. Additionally, recommendations in the INRMP should be followed.

Cultural Resources

According to the 2003 ICRMP, there are 17 cultural resources at NAS Key West that are considered eligible for the NRHP listing. Of the 17 cultural resources, five are located within the bounds of the subject property at the Branch Medical Clinic Annex (Quarters L-A, L-B, L-C, L-D, and L-G).

Due to the cultural resources located within the bounds of the subject property, it is possible that future repair activities may impact the aforementioned cultural sites. PRP recommends that these activities be reviewed and monitored by the appropriate DPW personnel to determine their effect, if any, upon cultural resources.

Environmental Restoration

Based on environmental records reviewed, it appears that there are a total of 14 environmental restoration sites identified at NAS Key West. However, only two of these 14 sites are located adjacent to the subject property at Truman Annex. The following two IR sites are considered a potential environmental concern for the subject property:

- IR 1 - Truman Annex Refuse Disposal Area

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- IR 3 - Truman Annex Former Dichloro-Diphenyl-Trichloroethane (DDT) Mixing Area
- IR 21 - Truman Annex Former Seminole Battery Site.

At this time, it appears that these environmental restoration sites have not had a significant adverse impact upon the environmental integrity of the subject property; predicated on formal US Navy Risk Assessment Models (Fate & Transport). PRI recommends continuing necessary actions in order to achieve closure or "No Further Action" (NFA). Additionally, any housing-related activities that might disturb potentially contaminated soil should be conducted under the direction of the appropriate NAS Key West DPW personnel.

Asbestos-Containing Materials

According to the DoN 1997 Asbestos Activity Summary, a variety of building materials within the subject property contain asbestos. The DoN report indicates that ACMs are categorized as Hazard Priority Level 5, ACMs representing a low potential hazard to occupants and workers due to being low or non-friable, and in good condition. The DoN report recommended implementation of an O&M plan until these ACMs are properly abated. DPW personnel stated that some of the ACMs in single-story structures have been removed and an O&M plan is currently enforced within the subject property.

Based on the above information, it appears that ACMs are present within the subject property. However, under current conditions, ACMs present a low environmental concern. An O&M Plan is currently being enforced at the subject property. Caution should be taken when disturbing any confirmed or assumed ACMs, and an asbestos notification document should be included in this real estate transaction.

Lead-Based Paint

According to the 1997 DoN Lead Activity Summary, selected units and playgrounds within the subject property were assessed for the presence of LBP, lead in dust, and lead in soil. Based on the review of the DoN report, and interviews with on-site personnel, it appears that lead in paint, dust, and soil is present at the subject property. During PRI's site visit, the painted exterior surfaces appeared in good condition with no visible evidence of flaking, cracking, or peeling. It should be noted that as part of this EBS, a lead survey is being scheduled for the subject property. Results of the lead survey will be presented under a separate cover.

Based on the current general condition of the housing units, it is unlikely that LBP will be an environmental concern at the present time. However, the condition of the older units should be periodically surveyed for evidence of peeling, cracking, or flaking of possible LBP, and maintained accordingly. The identified lead in dust and soil should be removed and capped, respectively. Pending the results of the planned lead survey, these recommendations should be followed.

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Property Classification

Based on analysis of the available data and RECs identified during this EBS, the subject property may be classified as Category 1 under the DoD Environmental Condition of Property System, which is defined below:

CATEGORY 1 - WHITE: Areas where no release or disposal of hazardous substances or petroleum products occurred (including no migration of these substances from adjacent properties).

Areas adjacent to IR 1, IR 3, and IR 21 may be classified as Category 5. Category 5 is defined as areas where release, disposal, and/or migration of hazardous substances have occurred, and removal and remedial actions are underway, but all required remedial actions have not taken place.


ENVIRONMENTAL BASELINE SURVEY
PUBLIC / PRIVATE VENTURE HOUSING PRIVATIZATION
NAVAL AIR STATION, KEY WEST, FLORIDA

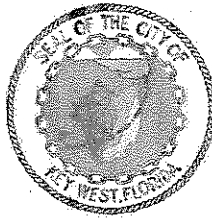
8.0 CERTIFICATION

This report describes the pertinent information obtained during the EBS assessment. The findings presented in this EBSR are relative to the dates of this assessment and should not be relied upon to represent conditions at substantially later dates. Observations reflect site conditions as of the latest visit to particular areas of the subject property, and should not be construed as representing previous or future site conditions. Any opinions included herein are based on the information obtained during this EBS and experience with similar assessments. Although this assessment has attempted to identify the potential for environmental impacts upon the subject property resulting from possible contamination, sources may have escaped detection due to: 1) the limited scope of this assessment; 2) the inaccuracy of public records; 3) the presence of undetected or unreported environmental incidents; or, 4) other site- and area-specific factors. It has not been the purpose of this assessment to determine the actual presence, degree, or extent of contamination, if any, at the site.

I certify that the property conditions stated in this report are based on a review of available records, visual inspections, and interviews as noted, and are true and correct, with the above qualifications, to the best of my knowledge and belief.

4/17/06
Date


Alan Shultz
Environmental Engineer



THE CITY OF KEY WEST

Post Office Box 1409 Key West, FL 33041-1409 (305) 809-3700

August 2, 2012

Sent Via Electronic Mail

David Paul Horan
Horan, Wallace & Higgins, LLP
608 Whitehead Street
Key West, Florida 33040

REVISED 28 August

RE: Peary Court Approval Schedule

Dear David,

Yesterday, Donna Bosold visited my office, with no pre-arranged subject matter stated. Upon arrival she announced was working for Ralf Brooks and White Street Partners. She presented me with a letter from Everett Atwell ostensibly referring to the discussions between White Street Partners and me (Attachment 1). The letter presents a series of commitments on White Street Partners behalf and requests a schedule for a newly proposed Development Agreement, a copy of which Donna could not leave with me. The reason David, you are the directed recipient of this letter is that you represent the land owner, with which the City must coordinate all permitting activities. Also, this letter is copied to all who have been involved with Peary Court or who have been authorized to represent the landowner/improvements owner, or have an important interest in project outcomes.

While the meeting was very cordial, I emphasized to Donna, that as we progress through the Development Agreement/Major Development Agreement approval process, the City must have one point of contact for all matters relating to the application(s). While City staff is often charged with working with an applicant, his attorney and architect/planner, the contacts should not change with the "winds and tides", and all parties should be informed of the others actions. Therefore, when the application for Development Agreement/Major Development is submitted, I would very much appreciate being contacted by one or a few who are authorized to speak on behalf of the owner.

The second purpose of this letter is to make everyone aware of a reasonable schedule for the submittal of the Development Agreement/Major Development applications. Realizing that Peary Court is not the only applicant or major project with which the City must contend, and that very importantly the City must have an adopted policy basis and LDR to support the Development Agreement/Major Development applications, this is the schedule the City can support:

1. **September 5 - City Commission Approval of the HSMDR Zoning Category** applicable to Peary Court. The City Commission will consider the request of Southeast Housing LLC to rezone the property to accommodate the existing development of 160 units and 48 affordable BPAS units provided by DEO. The second reading of the ordinance adopting the zoning will be **September 18**. The City Commission will be informed that DEO on July 25 committed to provide the City with 48

Affordable BPAS allocations (Attachment 2). The letter received by the City late 7/27/12 states that the mechanism for allocating the BPAS units must be a Comprehensive Plan amendment. In conversation with Rebecca Jetton yesterday, she and I agreed that the appropriate amendment would be the EAR based amendments being processed now and scheduled for City Commission adoption on **October 2**. At the **September 5** City Commission date the City Commission will be asked to decide if they wish to allow the addition of the 48 affordable units as satisfactory for the commitment required for Peary Court. The HSMDR regulation as presently written identifies the affordable housing requirement as 30% of the total units developed on site. This would equate to 68 units if the existing 160 units were to be developed as market rate units. The Commission will also be informed that proposed density of 8 units per acre has been adjusted to 9 units per acre for 48 additional units. The commission will also be informed that the adopting the zoning would be contingent and conditional upon the adoption and second reading of the companion Future Land Use Map (FLUM) approved by the Commission on first reading on May 28, 2012, with transmittal to DEO occurring on June 8. Finally the Objections, Recommendations and Comments (ORC) report on the Peary Court FLUM amendment from DEO was received Friday, **August 3**.

2. **September 18** - Second reading of the Ordinance rezoning Peary Court to HSMDR. The effective date would be subject to both the approval of the Peary Court FLUM and the Administrative Rule by DEO approving the HSMDR zoning. The latter typically takes 60 days from the transmittal by the City to DEO. DEO can shorten the process, but the rule making process takes 21 days from the time the DEO sends its approval of the HSMDR ordinance to the Administration Commission. With no expediting by DEO the effective date of the HSMDR zoning would be approximately **November 30, 2012**.
3. **August 30** - The Planning Board hears and approves the EAR Based amendments which contain the new BPAS policy language identifying the basis for the 90 BPAS allocations to be received by the City annually as a result of the Hurricane Evacuation Workshops Memorandum of Understanding and in recognition of the Area of Critical State Concern rule applicable to the City as separate and distinct from the rules applicable to the remainder of the County. The new policy language is the basis for the 48 BPAS units for Peary Court coming from the 90 for the first year's allocation. The intent of the Comprehensive Plan Amendment is to make the BPAS allocation period begin in July 2013, and be effective for a planning period of ten years to 2023, with the planning horizon of the EAR Comprehensive Plan horizon of 2030. The Planning Board recommendation on the EAR amendments will be forwarded to the City Commission for the **October 2** meeting to meet all the required advertising deadlines.
4. **September 18** - The City Commission will conduct the second reading of the ordinance adopting the Peary Court FLUM application, and any amendments to the transmitted FLUM based upon the ORC report. If the City Attorney determines that there are significant changes from the first reading of the ordinance, there may be a requirement for a third reading, which would take place on **October 2**.
5. **October 2** - Development Agreement Initiation Authorization request heard by the City Commission. White Street Partners withdrew the application for a Development Agreement (DA) from the **May 29, 2012** City Commission agenda. Therefore a new application for initiation of the DA is required. At this point in time the City Commission would have approved both the HSMDR FLUM and Zoning, even though the zoning may not become effective until **November 30**.

Assuming normal processing of the Peary Court FLUM approved by the Commission on **September 18**, and no administrative challenge under FS 120.57, DEO should issue a Notice of Intent to approve the FLUM by **October 22**. On **October 22** the existing ZIP zoning designation is no longer applicable. In order to have the Development Agreement Initiation application heard on **October 2** it must be submitted N.L.T. **September 7**.

6. **October 2** - The City Commission hears the first reading of the ordinance adopting the EAR based amendments to the Comprehensive Plan which will contain the Policy basis for the BPAS allocations from the HEM MOU, inclusive of the 48 units for Peary Court. This will be the transmittal phase of the Comprehensive Plan review and approval process when the required submittal to the DEO is sent no later than 8 October, the ORC report from DEO can be expected on **December 1**.
7. **October 3** - White Street Partners submits applications for FS 163 Development Agreement and Major Development, and perhaps a subdivision if the area for the Affordable Housing to be provided is to be considered as a separate parcel. The applications will be considered by the DRC on **October 25**. Also on this date submit for HARC review on **October 23**. Fourteen (14) day posting is needed on the property.
8. **October 2** - The City Commission hears the first reading of the ordinance adopting the EAR based amendments to the Comprehensive Plan which will contain the Policy basis for the BPAS allocations from the HEM MOU, inclusive of the 48 units for Peary Court. This will be the transmittal phase of the Comprehensive Plan review and approval process when the required submittal to the DEO is sent no later than 8 October, the ORC report from DEO can be expected on **December 1**.
9. **October 23** - HARC Review of the Major Development Plan, and plan for phased demolition of the existing structures.
10. **October 25** - Development Review Committee (DRC) review of the Major Development Plan and Development Agreement.
11. **November 15** or special meeting the week of **November 26** - The Planning Board would hear the Major Development Plan and the Development Agreement.
12. **December 4, 2012 or January 8, 2013** - City Commission approval of the Development Agreement and Major Development Plan.
13. **January 4, 2013 or February 8, 2013**, transmittal of the approved Development Agreement and Major Development Plan to DEO after the local 30 day appeal period. Also on one of these dates the City Commission would have its second reading of the ordinance adopting the EAR based Comprehensive Plan amendments.
14. **Mid January or Mid February 2013** - Effective dates of for Development Agreement and Major Development Plan. Also by this time barring FS 120.57 challenge, the EAR based amendments to the Comprehensive Plan become effective.

15. **February 2013** - Write the LDRs to implement the new BPAS allocation policies of the Comprehensive Plan that allow the allocation of new affordable units to Peary Court.
16. **March 28, 2013** - DRC hears the proposed amendments to the LDRs which implement the new Comprehensive Plan BPAS policies.
17. **April 18, 2013**- The Planning Board hears the new LDRs implementing the new BPAS policies of the Comprehensive Plan.
18. **May 21, 2013** - The City Commission hears the first reading of the LDR ordinance implementing the Comprehensive Plan BPAS policies.
19. **June 4, 2013** - The second reading of the new LDR ordinance for BPAS implementation.
20. **June 10, 2013** - The approved LDR sent to DEO for review and publication as an Administrative Rule.
21. **July 15, 2013** - The new BPAS LDR becomes effective, and Peary Court Affordable Housing allocations are awarded to White Street Partners so that building permits can be issued for this housing. The new annual allocation of 90 BPAS units begins and the application process for the 42 remaining units commences, recognizing that 48 of the first 90 have been allocated to Peary Court.

This schedule is aggressive yet realistic and allows sufficient time to develop applications for the 2013 cycle for tax credit funding for the affordable housing, if that method of financing is chosen.

Please comment on the details of the schedule.

Respectfully,

Donald Leland Craig, AICP
Planning Director

C: James Landers
Everett Atwell
Donna Bosold
Ralf Brooks
Ron Demes
Robert Spottswood
Richard Klitenick
Owen Trepanier
Shawn Smith
Larry Erskine
Bogden Vitas
Rebecca Jetton
Mark Finigan
Nicole Malo

Jeff Sharkey

Rick Scott
GOVERNOR



Hunting F. Deutsch
EXECUTIVE DIRECTOR

FLORIDA DEPARTMENT of
ECONOMIC OPPORTUNITY

August 3, 2012

The Honorable Craig Cates
Mayor, City of Key West
3126 Flagler Avenue
Key West FL 33040

Dear Mayor Cates:

The State Land Planning Agency (the Agency) has completed its review of the proposed comprehensive plan amendment for the City of Key West (Amendment No. 12-2), which was received and determined complete on June 14, 2012. Copies of the proposed amendment have been distributed to the appropriate reviewing agencies for their review, and their comments are enclosed. We have reviewed the proposed amendment in accordance with the state coordinated review process set forth in Sections 163.3184(2) and (4), Florida Statutes (F.S.), for compliance with Chapter 163, Part II, F.S.

The attached Objections, Recommendations, and Comments Report outlines our findings concerning the amendment. We have identified two objections and have included recommendations regarding measures that can be taken to address the objections. We are also providing a technical assistance comment consistent with Section 163.3168(3), F.S. The Agency's technical assistance comment will not form the basis of a challenge. They are offered as suggestions which can strengthen the City's comprehensive plan in order to foster a vibrant, healthy community or are technical in nature and designed to ensure compliance with the provisions of Chapter 163, F.S.

The City should act by choosing to adopt, adopt with changes, or not adopt the proposed amendment. Also, please note that Section 163.3184(4)(e)1, F.S., provides that if the second public hearing is not held and the amendment adopted within 180 days of your receipt of agency comments, the amendment shall be deemed withdrawn unless extended by agreement with notice to the state land planning agency and any affected party that provided comment on the amendment. For your assistance, we have enclosed the procedures for final adoption and transmittal of the comprehensive plan amendment.

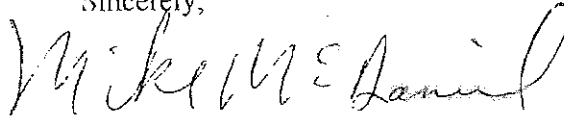
Honorable Craig Cates

August 3, 2012

Page 2 of 2

My staff and I are available to assist the City in addressing the issues identified in our report. If you have any questions, please contact Rebecca Jetton, at (850) 717-8494, or by email at Rebecca.jetton@deo.myflorida.com.

Sincerely,



Mike McDaniel, Chief
Bureau of Community Planning

MM/bep

Enclosures: Review Agency Comments
Adoption Procedures

cc: Mr. Don Craig, Planning Director, City of Key West
Mr. James F. Murley, Executive Director, South Florida Regional Planning Council

SUBMITTAL OF
ADOPTED COMPREHENSIVE PLAN AMENDMENTS
FOR STATE COORDINATED REVIEW

Section 163.3184(4), Florida Statutes

May 2011

NUMBER OF COPIES TO BE SUBMITTED: Please submit three complete copies of all comprehensive plan materials, of which one complete paper copy and two complete electronic copies on CD ROM in Portable Document Format (PDF) to the State Land Planning Agency and one copy to each entity below that provided timely comments to the local government: the appropriate Regional Planning Council; Water Management District; Department of Transportation; Department of Environmental Protection; Department of State; the appropriate county (municipal amendments only); the Florida Fish and Wildlife Conservation Commission and the Department of Agriculture and Consumer Services (county plan amendments only); and the Department of Education (amendments relating to public schools); and for certain local governments, the appropriate military installation and any other local government or governmental agency that has filed a written request.

SUBMITTAL LETTER: Please include the following information in the cover letter transmitting the adopted amendment:

_____ State Land Planning Agency identification number for adopted amendment package;

_____ Summary description of the adoption package, including any amendments proposed but not adopted;

_____ Ordinance number and adoption date;

_____ Certification that the adopted amendment(s) has been submitted to all parties that provided timely comments to the local government;

_____ Name, title, address, telephone, FAX number and e-mail address of local government contact;

_____ Letter signed by the chief elected official or the person designated by the local government.

ADOPTION AMENDMENT PACKAGE: Please include the following information in the amendment package:

_____ In the case of text amendments, changes should be shown in strike-through/underline format;

_____ In the case of future land use map amendment, an adopted future land use map, in color format, clearly depicting the parcel, its existing future land use designation, and its adopted designation;

_____ A copy of any data and analyses the local government deems appropriate.

Note: If the local government is relying on previously submitted data and analysis, no additional data and analysis is required;

_____ Copy of executed ordinance adopting the comprehensive plan amendment(s);

Suggested effective date language for the adoption ordinance for state coordinated review:

The effective date of this plan amendment, if the amendment is not timely challenged, shall be the date the state land planning agency posts a notice of intent determining that this amendment is in compliance. If timely challenged, or if the state land planning agency issues a notice of intent determining that this amendment is not in compliance, this amendment shall become effective on the date the state land planning agency or the Administration Commission enters a final order determining this adopted amendment to be in compliance. No development orders, development permits, or land uses dependent on this amendment may be issued or commence before it has become effective. If a final order of noncompliance is issued by the Administration Commission, this amendment may nevertheless be made effective by adoption of a resolution affirming its effective status, a copy of which resolution shall be sent to the state land planning agency.

_____ List of additional changes made in the adopted amendment that the State Land Planning Agency did not previously review;

_____ List of findings of the local governing body, if any, that were not included in the ordinance and which provided the basis of the adoption or determination not to adopt the proposed amendment;

_____ Statement indicating the relationship of the additional changes not previously reviewed by the State Land Planning Agency to the ORC report from the State Land Planning Agency.

**OBJECTIONS, RECOMMENDATIONS AND COMMENTS REPORT
FOR CITY of KEY WEST
PROPOSED COMPREHENSIVE PLAN AMENDMENT
(DEO NO. 12-2ACSC)**

I Consistency with Chapter 163, Part II and Chapter 380, Part I

The Department has the following objection and comments to the proposed comprehensive plan amendment:

Objection 1 - The proposed text amendment provides that all new development and redevelopment within the Peary Court Housing Complex recognize that a portion of the existing housing on the property contributes to the affordable stock of the community due to its availability to non-military citizens and its rental rate structure, and to maintain such affordability for a reasonable portion of those units. The Department raises an objection because the language "reasonable portion" does not provide for a meaningful and predictable standard.

Authority 163.3177(1)

Recommendation: Policy 3-1.1.3 of the Comprehensive Plan provides at least thirty percent (30%) of all residential units constructed each year shall be affordable and Policy 1-3.12.2 requires that the City permit allocation system set aside thirty percent (30%) of all new permanent residential units as affordable housing. To achieve these objectives while at the same time recognizing the unique circumstances associated with converting former Navy housing to permanent residential dwellings, the Department supports the potential public/private partnership which has been discussed that includes the provision of land from the purchaser and construction of 48 affordable units by a public or private entity. To help make this work, the Department is willing to request the Administration Commission to provide sufficient ROGO allocations for affordable housing.

Objection 2 – A small portion of the property is within the coastal high hazard area (CHHA) as defined in the most recent Storm Tide Atlas. The City's plan does not reflect the most recent definition or CHHA map.

Authority 163.3177(1)(f), 163.3177(6)(a)10., 163.3178(8)(c),

Recommendation: The City should amend its future land use map and coastal management element to include the new definition of coastal high-hazard area and to depict the coastal high-hazard area on the future land use map.

Technical Assistance Comment 1: The new designation HSMDR has set a density of 8 units per acre and an FAR of 1.0. However, the new designation does not address open space or impervious surface requirements. The City currently suffers a financial burden in attempting to address retroactive stormwater management. As part of an overall plan

to address stormwater management the City should consider including open space and impervious surface ratio standards to the comprehensive plan's FLUM designations.

Technical Assistance Comment 2: The density of 8 units per acre provided for in the new FLUM designation of HSMDR would allow 194 units on 24.26 acres. This is not sufficient for the existing 160 units and 48 affordable units. If the additional units will be constructed on this site, the City should consider increasing the density to at least 9 units per acre in order to allow for the additional affordable housing units.

FLORIDA DEPARTMENT OF EDUCATION



STATE BOARD OF EDUCATION

KATHLEEN SHANAHAN, Chair
ROBERTO MARTÍNEZ, Vice Chair

Members

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JOHN R. PADGET

John L. Winn
Commissioner of Education



June 29, 2012

Mr. D. Ray Eubanks, Plan Processing Administrator
Division of Community Planning
Department of Community Affairs
2555 Shumard Oak Boulevard
Tallahassee, Florida 32399-2100

Dear Mr. Eubanks:

Re: Key West 12-2ACSC

Thank you for the opportunity to review the Key West 12-2 amendment package. According to the department's responsibilities under Section 163.3184(3), Florida Statutes, I reviewed the amendment considering provisions of Chapter 163, Part II, F.S., and to determine whether the proposal, if adopted, would have potential to create adverse impacts on public school facilities.

The proposal would amend the future land use map and element to integrate the former military Peary Court housing complex into the city's plan. The amendments would provide for a small increase in residential density above the currently recognized 160 units which does not appear to create adverse effects on public school facilities. Therefore, I offer no comment.

Again, thank you for the opportunity to review and comment.

Sincerely,

A handwritten signature in black ink, appearing to read "Tracy D. Suber".

Tracy D. Suber
Educational Consultant-Growth Management Liaison

TDS/

cc: Mr. Jeff Barrow, Monroe County School District
Ms. Rebecca Jetton, DEO

THOMAS H. INSERRA
DIRECTOR, OFFICE OF EDUCATIONAL FACILITIES



SOUTH FLORIDA WATER MANAGEMENT DISTRICT

June 29, 2012

Mr. Ray Eubanks
Administrator, Plan Review & Processing
Department of Economic Opportunity
Division of Community Planning and Development
107 East Madison Street
Tallahassee, Florida 32399-4120

Dear Mr. Eubanks:

**Subject: City of Key West, DEO Amendment #12-2ACSC
Comments on Proposed Comprehensive Plan Amendment**

The South Florida Water Management District (District) has completed its review of the proposed amendment package submitted by the City of Key West (City). The amendment package consists of proposed amendments to the text of the Future Land Use Element and the Future Land Use Map series of the Comprehensive Plan for property known as the Peary Court Housing Complex. There appear to be no regionally significant water resource issues; therefore, the District forwards no comments on the proposed amendment package.

The District offers its technical assistance to the City and the Department of Economic Opportunity in developing sound, sustainable solutions to meet the City's future water supply needs and to protect the region's water resources. Once the amendment is adopted please forward a copy to the District. For assistance or additional information, please contact Terry Manning, Policy and Planning Analyst, at (561) 682-6779 or tmanning@sfwmd.gov.

Sincerely,

A handwritten signature in black ink, appearing to read "RB", followed by a horizontal line.

Rod A. Braun
Director
Office of Intergovernmental Programs

RB/tm

c: Donald Leland Craig, Key West
Christine Hurley, Monroe County
Rebecca Jetton, DEO
Rachel Kalin, SFRPC



Florida Department of Transportation

RICK SCOTT
GOVERNOR

1000 NW 111 Avenue
Miami, Florida 33172-5800

ANANTH PRASAD, P.E.
SECRETARY

July 2, 2012

Ray Eubanks, Plan Processing Administrator
Department of Economic Opportunity
Community Planning and Development
107 East Madison Street
Caldwell Building, MSC 160
Tallahassee, Florida 32399

Subject: Comments for the Proposed Comprehensive Plan Amendment, Key West #12-2ACSC

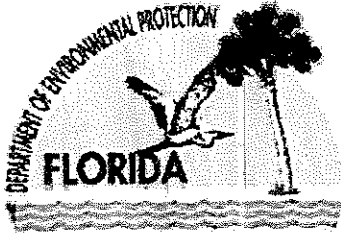
Dear Mr. Eubanks:

The Florida Department of Transportation, District Six, completed a review of the *Proposed Comprehensive Plan Amendment, Key West #12-2ACSC*. The District has reviewed the amendment package per *Chapter 163 Florida Statutes* and has found no adverse impacts to transportation resources and facilities of state importance. Please contact Ken Jeffries at 305-470-5445 if you have any questions concerning our response.

Sincerely,

Phil Steinmiller
District Planning Manager

Cc: Harold Desdunes, PE, Florida Department of Transportation, District 6
Aileen Boucle, AICP, Florida Department of Transportation, District 6
Donald Leland Craig, AICP, City of Key West
Mayte Santamaria, Monroe County



Florida Department of Environmental Protection

Marjory Stoneman Douglas Building
3900 Commonwealth Boulevard
Tallahassee, Florida 32399-3000

June 21, 2012

Mr. Ray Eubanks
Plan Review Administrator
Department of Economic Opportunity
Bureau of Community Planning
Caldwell Building
107 East Madison Street MSC 160
Tallahassee, FL 32399-6545

Re: Key West 12-2ACSC Proposed; Comprehensive Plan Amendment Review

Dear Mr. Eubanks:

The Office of Intergovernmental Programs of the Florida Department of Environmental Protection (Department) has reviewed the above-referenced amendment proposal under the procedures of Chapter 163, *Florida Statutes*. The Department conducted a detailed review that focused on potential adverse impacts to important state resources and facilities, specifically: air and water pollution; wetlands and other surface waters of the state; federal and state-owned lands and interest in lands, including state parks, greenways and trails, conservation easements; solid waste; water and wastewater treatment; and, where applicable, the Everglades ecosystem.

Based on our review of the proposed amendment, the Department has found no provision that requires comment under laws that form the basis of the Department's jurisdiction. Thank you for the opportunity to comment on the proposed amendment package. Should you have any questions or require further assistance, please call me at (850) 245-2169.

Sincerely,

Chris Stahl
Office of Intergovernmental Programs
/cjs



MEMORANDUM

AGENDA ITEM #III.E.1

DATE: JULY 9, 2012
TO: COUNCILMEMBERS
FROM: STAFF
SUBJECT: KEY WEST PROPOSED COMPREHENSIVE PLAN AMENDMENT, SLPA #12-2ACSC

Pursuant to Section 163.3184, Florida Statutes, Council review of amendments to local government comprehensive plans is limited to 1) adverse effects on regional resources and facilities identified in the *Strategic Regional Policy Plan for South Florida (SRPP)* and 2) extrajurisdictional impacts that would be inconsistent with the comprehensive plan of any affected local government within the Region.

A written report containing an evaluation of these impacts, pursuant to Section 163.3184, Florida Statutes, is to be provided to the local government and the state land planning agency within 30 calendar days of receipt of the amendment.

Amendment Summary

The City of Key West proposed amendment #12-2ACSC contains text and map amendments related to the integration of a Military site, Peary Court Housing Complex, into the City Comprehensive Plan.

The City of Key West Commission approved the proposed amendments for transmittal by a vote of 6-1 on May 29, 2012.

Staff analysis confirms the proposed amendments are generally inconsistent with the Goals and Policies of the SRPP. Please see the attached amendment review form for details.

Recommendation

Find City of Key West proposed amendment package #12-2ACSC generally inconsistent with the *Strategic Regional Policy Plan for South Florida (SRPP)*. Approve this staff report for transmittal to the City and the State Land Planning Agency.

Attachment 1

FLORIDA REGIONAL COUNCILS ASSOCIATION
LOCAL GOVERNMENT COMPREHENSIVE PLAN AMENDMENT REVIEW FORM 01

South Florida Regional Planning Council Agenda Item and Date: III.D; July 9, 2012.

Local Government Amendment Number: Key West proposed #12-2ACSC.

Date Comments due to the State Land Planning Agency: July 14, 2012.

Date Mailed to Local Government and State Land Planning Agency: Prior to July 14, 2012.

Pursuant to Section 163.3184, Florida Statutes, Council review of amendments to local government comprehensive plans is limited to adverse effects on regional resources and facilities identified in the Strategic Regional Policy Plan for South Florida (SRPP) and extrajurisdictional impacts that would be inconsistent with the comprehensive plan of any affected local government within the region. A written report containing an evaluation of these impacts, pursuant to Section 163.3184, Florida Statutes, is to be provided to the local government and the state land planning agency within 30 calendar days of receipt of the amendment.

DESCRIPTION OF AMENDMENT

The proposed amendment package consists of Future Land Use Element text and Future Land Use Map (FLUM) amendments related to the property known as the Peary Court Housing Complex (approximately 26.24 acres), generally located at the northwest corner of Eisenhower Drive and Angela Street, south of Palm Avenue and east of White Street. The current future land use designation is Military and the property is owned by the United States Navy. Comprehensive Plan Policy 1-2.6.2 recognizes federal preemption of local land use controls; however, the City has been notified that the Navy intends to sell the property to a private entity. The intent of this amendment is to provide for the integration of the property into the City's Comprehensive Plan and land development regulations.

Construction on the property began in 1993 to fulfill the needs for military housing; however, the tenant type was broadened to include public sector civilians, representing approximately 25 percent of the 157 units today. Currently, 160 residential units are allowed on the property.

New Policy 1-1.6.4, would restrict new development and redevelopment within the Peary Court Housing Complex to preserve the existing housing stock of 160 units for permanent multifamily residential; maintain land use compatibility with adjacent historic and military installations; and direct the City to "recognize that a portion of the housing stock on the property contributes to the community's affordable housing stock due to its availability to non-military citizens and its rental structure, and to maintain such affordability for a reasonable portion of those units."

New Policy 1-2.3.11 would create a new land use designation to be known as the Historic Special Medium Density Residential (HSMDR), "to accommodate the existing multifamily military housing complex at Peary Court at the time when the land and improvements are transferred to civilian ownership and City jurisdiction [...] The designation is not intended to accommodate commercial or transient residential land use activities. The allowable residential density shall be a maximum of eight (8) units per acre. The maximum intensity of development shall not exceed a floor area ratio of 1.0 for all uses".

Upon adoption, the land development regulations will be amended to implement both Policies and allow for the future redevelopment of the property.

The FLUM for the Peary Court Housing Complex land use designation would change from Military to Historic Special Medium Density Residential (HSMDR).

Objection

Council staff recognizes the intent of the proposed amendment is to integrate a Military site into its Comprehensive Plan; however increased density and intensity is being proposed without justification.

The proposed density of eight units per acre would allow 209 residential dwelling units, or 49 additional units. The supporting data and analysis for infrastructure has not incorporated the maximum allowable building potential for the property.

In addition, the proposed language to maintain affordability for "a reasonable portion" of residential units is unclear. The current and maximum allowable residential dwelling units should be subject to the City's Affordable Housing Policy 3-1.3.3, which requires thirty percent of all new permanent residential units be affordable. The State Land Planning Agency has already communicated that when the transfer from military to private-ownership occurs, the existing units on the property will be considered "new" to the City.

1. ADVERSE EFFECTS TO SIGNIFICANT REGIONAL RESOURCES AND FACILITIES IDENTIFIED IN THE STRATEGIC REGIONAL POLICY PLAN.

The Florida Keys has limited potential for additional development and increases in density should only be granted in limited circumstances in order to achieve a specific purpose related to other Goals or Policies of the City Plan. The proposed amendment could potentially compromise the effort to avoid overdevelopment in the Florida Keys in order to protect Natural Resources of Regional Significance.

Applicable *SRPP* Goals and Policies:

GOAL 14 **Preserve, protect, and restore Natural Resources of Regional Significance.**

Policy 14.4 Direct land uses that are not consistent with the protection and maintenance of natural resource values away from Natural Resources of Regional Significance, adjacent buffer areas, and other natural resource areas.

2. EXTRAJURISDICTIONAL IMPACTS INCONSISTENT WITH ANY COMPREHENSIVE PLANS OF LOCAL GOVERNMENTS WITHIN THE REGION.

Not Applicable.

Rick Scott
GOVERNOR



Hunting F. Deutsch
EXECUTIVE DIRECTOR

May 14, 2012

Don Craig, Planning Director
City of Key West Planning Department
3140 Flagler Avenue
Key West, FL 33040

Re: Peary Court;
DEO letter of November 14, 2011

Dear Mr. Craig:

Nancy Linnan, Esq., representing Southeast Housing, LLC, has supplied additional information regarding the pending sale of Peary Court in Key West (see attached). This letter addresses only the existing 160 Peary Court dwelling units, and does not apply to redevelopment of the property or to any additional units which may be proposed.

It appears that the construction of the existing 160 residential dwelling units at Peary Court, by the U.S. Navy for military housing, began in 1993. It further appears that the City of Key West's Comprehensive Plan Policy 3-1.1.3, cited in the Department's November 14, 2011, letter, became effective in 1996. Policy 3-1.1.3 is not self-executing, and required the adoption of an implementing land development regulation (LDR). That LDR, the Work Force Housing LDR, Section 122-1467 of the City of Key West's Land Development Code, was adopted in 1998. The affordable housing provisions of that LDR apply to "new multifamily residential units." Because the 160 units at Peary Court are not new, and those units existed before the effective date of Policy 3-1.1.3 and the adoption of the Work Force Housing LDR, the policy and its implementing LDR provisions regarding affordable housing do not apply to the existing 160 units at Peary Court.

Therefore, the Department has reconsidered its November 14, 2011, letter to you, and is of the opinion that the existing 160 units at Peary Court are not subject to the 30% affordability set-aside in Section 122-1427 of the City of Key West's land development regulations.

Sincerely,

J. Thomas Beck, Director
Division of Community Development

cc: Nancy Linnan, Esq.



Nancy G. Linnan
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May 12, 2012

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VIA EMAIL: Tom.Beck@deo.myflorida.com

Re: Request for Reconsideration and Withdrawal of November 14, 2011 D.E.O.
Letter

Dear Tom:

Our Firm represents Southeast Housing, LLC, a partnership between the Navy and an entity connected to Balfour Beatty Communities. I am writing this letter in response to your request for a written request for reconsideration and withdrawal of the agency's November 14, 2011 letter (**Attachment 1**) which is to Don Craig, Planning Director of Key West, from Rebecca Jetton, the DEO Administrator for Area of Critical State Concern program.

We are under a very tight timeline so I appreciate your staff's giving us time Friday morning so Darrin Taylor and I could explain the situation. Our position is we believe the letter, while well intended, was legally incorrect in its statement that the Peary Court units are subject to the City's 30% affordable housing set aside. Since our meeting yesterday, we have learned even more which we believe supports our position.

Entities of Balfour Beatty serve as concessionaires on military housing all over the country and have the concession for the Peary Court units in Key West. As I explained, the company bids on a project, gets a lease, maintains the property, collects the rent for the Navy

and it receives a management fee for its services. If the Navy chooses to sell – as is the case here – then Southeast Housing steps in, being a partnership with the Navy, and markets and sells the property. The Navy then receives the proceeds of the sale and puts it in an account to build and rehabilitate more Navy housing on or near other bases – in other words, uses the proceeds to benefit military families. Southeast Housing is adversely affected by the letter because the City is using it as agreement with its position that the 30% applies, and if Key West requires either by comprehensive plan amendment or rezoning either mandating rent control or sales price control, the Navy loses somewhere between 5 and 8 million dollars on the Peary Court sale.

Peary Court consists of slightly over 24 acres. The site was used for U.S. Army barracks for 120 years from 1831 to 1951. In 1951, the barracks were demolished and housing for Navy personnel was constructed on site and called Wherry Housing at Peary Court. The 1951 housing was demolished beginning in 1974 and eventually most of the vertical construction cleared. From 1974 to 1985, the site was leased to the City of Key West while the Navy proceeded to fund and prepare to construct what we now call Peary Court in order to place 226 units on this parcel (and possibly a neighboring piece) (**See judicial findings on history in Attachment 2**). Ultimately, Peary Court's 160 units were constructed with commencement of construction in 1993. A grainy photo of Peary Court configuration is shown in **Attachment 3**.

During most of their use to date, all of the units were occupied by Navy enlisted personnel and their families. That remains the case with three quarters of the units today. However, because the Navy closed the base at the south end of Key West and has reduced its sworn presence, a quarter of the units are now leased to essential civilian base employees such as firefighters. Units are not available to the general population.

We have quickly researched the policies and the ordinance and our opinion is that these units, when sold to a private entity by the Navy, are not required by the applicable policy cited by DEO or even the City's affordable housing ordinance to set aside a percentage of the units as affordable housing which, in Key West, is referred to as workforce housing. Our arguments are:

1. The policy cited did not go into effect until 1996, after completion of the 160 units;
 2. Even then, the policy cited is not self executing, but requires adoption of an ordinance under which units are "constructed";
 3. The applicable affordable housing ordinance was adopted in 1998, after construction of the units. It references new construction and compliance is commenced one year after building permit issuance;
 4. The Key West version of the Rate of Growth Ordinance (ROGO) is the Building Permit Allocation System Ordinance (BPAS). The 160 units were exempt because owned by the Navy, but even if the housing had been under City jurisdiction in 1993, the housing would be vested from an earlier and very rudimentary allocation system (prior to the BPAS system) and application of affordable housing requirements.
-
1. **The policy cited did not go into effect until 1996, after completion of 160 units.**

The document included as **Attachment 4** is a 2009 report to the Key West Planning Commission by its staff director. It contains a brief history of the comprehensive plan and the vesting requirements in the prior and current BPAS

ordinance on the first page. It then discusses problems with BPAS language and implementation and suggests very extensive 2009 revisions. It states:

It mentions that the City's adopted 1993 Comprehensive Plan was challenged by the former Department of Community Affairs (DCA) following adoption and did not become effective until entry of a stipulated settlement between the City and DCA in 1996. The policies at issue and the ordinances all stem from language adopted in 1996 (**Attachment 4**). This is also consistent with statements by a Key West land use attorney. This date is subsequent to construction of the 160 units in Peary Court.

2. **Even then, the policy cited is not self executing but requires adoption of an ordinance under which units are "constructed".**

The document attached as **Attachment 5** consists of one page taken from the City's Data and Analysis to support the presently scheduled plan amendment transmittal hearing (one of two) on May 15th. It is a staff analysis of the consistency with the current plan policies. The complete relevant policy is 3-1.1.3 is provided in it. Policy 3-1.1.3 provides:

Policy 3-1.1.3: Additions to LDRs. Based on the Comprehensive Plan analysis of the "growth management," the City shall repeal the growth management ordinance and adopt as part of the land development regulations: 1) an affordable housing ordinance; and 2) a rate of growth ordinance.

Ratio of Affordable Housing to Be Made Available City-Wide: 1990-2010. The affordable housing ordinance shall stipulate that at least thirty percent (30%) of all residential units constructed each year shall be affordable as herein defined. Residential or mixed-use projects of less than ten (10) residential units shall be required to either develop thirty (30) percent of the units as affordable units on- or off-site, or contribute a fee in lieu thereof. However, residential projects of ten (10) units or more shall provide affordable units on- or off-site and will not have the option of fees in lieu thereof based on provisions to be included in the updated land development regulations.

Affordable Housing Trust Fund to be Established. The City shall establish and maintain an "affordable housing trust fund" with revenue received from "fees in lieu" of constructing required affordable housing as herein stipulated that is earmarked for the support and production of low and moderate income housing. The fees-in-lieu and the Housing Trust Fund shall not be commingled with

general operating funds of the City of Key West. The trust fund shall be used for direct financial aid to developers as project grants and affordable housing project financing; direct or indirect aid to home buyers or renters as mortgage or rental assistance; and leverage to housing affordability, through site acquisition or development and housing conservation.

Impacted Land Uses. Any new commercial, industrial, hotel/motel or multi-family housing development shall be required to provide affordable housing or make "fees-in-lieu" to the Housing Trust Fund. The formula for determining the number of affordable housing units (or "fees-in-lieu") to be provided by each type of development cited above shall be stipulated in the land development regulations. The formula for commercial, industrial and hotel/motel developments shall be based on an economic assessment to be undertaken as part of the City's Comprehensive Housing Affordability Study to be completed in FY 1992-93. This assessment shall provide a fair and equitable affordable housing unit threshold based on each 100 square feet of gross leasable (or total units in the case of multi-family units or hotel/motel units).

This is the full language of the policy the 2011 DEO letter mentions. As you can see, it simply says the City shall repeal the growth management ordinance and adopt as part of its land development regulations the affordable housing ordinance and rate of growth ordinance. It then speaks to a required ratio of affordable housing city wide between 1990 and 2010 but it is not self executing. It just says the affordable housing ordinance has to meet certain requirements and it talks about "constructed" units. When you move to the Impacted Land Uses section, it speaks to any "new...multi-family housing development" and says it will be required to provide affordable housing or provide fees in lieu to the Housing Trust Fund. The Fund formula was to be based on a study that was to be completed in FY 1992/1993. The new units which we believe to be redevelopment of the prior units were built in 1993. Based on the fact that the City's affordable housing ordinance was adopted in 1998, we don't believe that study was complete in 1993 and certainly can't reach back to the 160 units.

3. **The applicable affordable housing ordinance was adopted in 1998, after construction of the units.**

The City's Workforce Housing Ordinance was adopted in 1998 in response to the policy mandate contained in Policy 3-1.1.3 adopted in 1996. The current version which contains amendments subsequent to 1998 is **Attachment 6**. It states:

Sec. 122-1467 – Requirements of affordable work force housing; ratio of new construction.

(a) *New market-rate multifamily residential housing.* At least ten percent of all new multifamily residential units constructed each year shall be low income affordable housing of at least 400 square feet each, as defined herein and 20 percent shall be affordable housing (median income) housing of at least 400 square feet each, as defined herein. Residential or mixed use projects of less than ten residential or mixed-use units shall be required to develop at least 30 percent of units of at least 400 square feet each as affordable (median income), but may contribute a fee in lieu for each unit to the affordable work force housing trust fund, if approved by the city commission. The per unit fee shall be \$200,000.00 (representing construction cost, less land cost, of a 400 square foot unit). The 30 percent affordability requirement shall be determined on a project by project basis and not on a city-wide basis. Vested units shall be subject to this subsection if not otherwise governed by law or agreement. For every required affordable housing (median income) unit, a developer may increase the sales or rental rates to affordable housing (middle income) so long as another unit's sales or rental rate is decreased to affordable housing (low income).

(c) *New affordable work force housing.* The maximum total rental and/or sales price for all new affordable work force housing units in a single development shall be based on each unit being affordable housing (moderate income). The rental and/or sales price may be mixed among affordable housing (low income), (median income), (middle income) and (moderate income) in order that the total value of rental and/or sales does not exceed ten percent of the rental and/or sales of all the units at affordable housing (moderate income).

(e) *Reporting requirements.* Owners of affordable work force housing projects or units shall furnish the city manager or his designee with annual information necessary to ensure continued compliance with affordability criteria, beginning one year after the date of building permit issuance and on each anniversary date thereafter. Reporting requirements shall include sworn tenant household verification information. Property owners subject to this subsection may contract with the Key West Housing Authority to perform annual tenant eligibility verification.

First note the use of the term "new construction" in the overall title for this entire section. Then, note the use of "new multi-family units constructed each year" in (a) and note the use of "new affordable workforce housing" in (c). Finally, it is important to note that compliance is (e) above is tied to reports being submitted "one year after the date of building permit issuance". The 1998 version of this was adopted as Ordinance 98-18 on June 3, 1998, well after the redeveloped housing existed on Peary Court.

4. The Key West Version Rate of Growth Ordinance (ROGO) is the Building Permit Allocation System (BPAS) ordinance. The 160 units were exempt because owned by the Navy but even if the housing had been under City jurisdiction in 1993, the housing would be vested from the applicable version of an allocation system and application of affordable housing requirements.

Attachment 4 is the 2009 report on the Building Permit Allocations System (BPAS). The report confirms that the earlier rudimentary system which provides a building permit is not subject to the affordable housing requirements if there was earlier development on the site. That makes sense because the unit was there before and was counted for hurricane evaluation purposes, the basis of BPAS. This applied to both single and multi-family units.

In the case of Peary Court, the 160 units were not subject to BPAS because on a Navy base, but were included in the hurricane study which formed the basis for ROGO and the City's version – BPAS. See correspondence from DEO (**Attachment 7**) However, if in 1993 they would have been subject to it, it would have been considered under the earlier version of an allocation system Section 108-991 from 1986 (extensively amended in 2009 as a result of the report as set out on page 7 of 19, and set out below). It only became substantially more restrictive on vesting 2009. The vesting language used to say:

Development consistent with the following shall not be affected by the terms of this article, but such development shall comply with all applicable sections of the city's land development regulations:

- (1) Any use, development, project, structure, building, fence, sign or activity which does not result in a net addition to the number of equivalent single-family dwelling unit stock.
- (2) Redevelopment or rehabilitation which replaces but which does not increase the number of permanent or transient residential dwelling units above that existing on the site prior to redevelopment or rehabilitation.

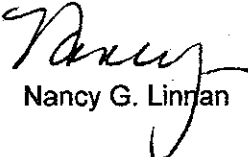
Finally, at our meeting, staff asked how many units were in Peary Court (formerly Wherry Housing) prior to 1990. We are unable to calculate the exact number because the only photo readily available on short notice was after the tear down had commenced. The best evidence we can find in the time allotted is the court case **(Attachment 2)** and the memory of Key West native David Paul Horan who says he remembers at least as many from the earlier period. We do not believe it is relevant.

We agree that any units over the 160 units that may be allowable if the land use allowing 8 units per acre is adopted, would not fall under our argument. But, at this point, those units do not exist.

As I told you at the meeting, the City Commission meets Tuesday evening on transmittal. The Planning Commission, in an earlier action, removed the language on applying affordable housing to these units. The City staff has provided the City Commission with the DEO November 14, 2001 letter which we believe is incorrect. Therefore, we ask that it be reconsidered and withdrawn prior to the May 15th public hearing and such action communicated to me and to Dan Craig at the City.

If you require any additional information or our response to any arguments, please let me know. I can be reached at 850.513.3611 (direct), 850.212.7631 (cell) or nlinnan@carltonfields; or Darrin Taylor at 850.425.3398 (direct), 850.556.8882 or dtaylor@carltonfields.com. And thank you very much for your courtesies.

Sincerely,



Nancy G. Linnan

Attachments 1-7

Cc: David Jordan (David.Jordan@DEO.MyFlorida.com)
Mary Thomas (Mary.Thomas@EOG.MyFlorida.com)
Rosa McNaughton (Rosa.McNaughton@DEO.MyFlorida.com)
Michael Ayers, Chief of Staff (Michael.Ayers@DEO.MyFlorida.com)
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Jim Smith (jsmith@sostrategy.com)
Leslie Cohn (L.Cohn@bbcgrp.com)

Rick Scott
GOVERNOR



Doug Darling
EXECUTIVE DIRECTOR

November 14, 2011

Mr. Don Craig, Planning Director
City of Key West Planning Department
3140 Flagler Avenue
Key West, Florida 33040

Dear Mr. Craig:

This letter responds to a recent telephone discussion regarding the City's efforts to recognize the recent sale of Peary Court by the Boca Chica Naval Air Station. I have carefully reviewed the Comprehensive Plan and the Peary Court construction background. The Key West Comprehensive Plan contains Policy 3-1.1.3 which provides the following:

Policy 3-1.1.3: Additions to LDRs. Based on the Comprehensive Plan analysis of the "growth management", the City shall repeal the growth management ordinance and adopt as part of the land development regulations: (1) an affordable housing ordinance; and (2) a rate of growth ordinance.

Ratio of Affordable Housing to be made available City-wide: 1990-2010. The affordable housing ordinance shall stipulate that at least 30 percent of all residential units constructed each year shall be affordable as herein defined. Residential or mixed use projects of less than ten residential units shall be required to either develop thirty percent of the units as affordable on or off site, or contribute a fee in lieu thereof. However, residential projects of ten or more shall be required to provide affordable units on or off site and will not have the option of fees in lieu of construction. Commercial developments shall be required to provide affordable housing units or fees in lieu thereof based on provisions to be included in the updated land development regulations.

It is my understanding that Peary Court was constructed by the Federal Government and the City and the Department of Community Affairs took the position that the Naval Air Station is not required to obtain Rate of Growth allocations. Recently, the Boca Chica NAS has elected to sell the Peary Court units in the private sector.

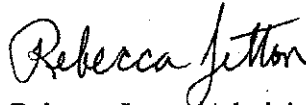
The Caldwell Building 107 E. Madison Street Tallahassee, Florida 32399-4120
850.245.7105 TTY/IDD 1-800-955-8771 Voice 1-800-955-8770 FloridaJobs.org



Don Craig
November 14, 2011
Page 2

Policy 3-1.1.3 clearly articulates the intent to set aside thirty percent of new units as affordable housing. Since these units are "new" to the City and private sector, it is my opinion that the units are subject to the 30% affordable set aside. Please telephone (850) 717-8494 for any additional information that is needed.

Sincerely,

A handwritten signature in cursive script that reads "Rebecca Jetton".

Rebecca Jetton, Administrator
Area of Critical State Concern Program

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PROTECT KEY WEST, INC. v. CHENEY

UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF FLORIDA

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Official citation and/or docket number and footnotes (if any) for this case available with purchase.

March 30, 1992

PROTECT KEY WEST, INC., a Florida Not-for-Profit Corporation, d/b/a LAST STAND, Plaintiff,

v.

RICHARD CHENEY, Secretary of Defense of the United States of America, H. LAWRENCE GARRETT III, as Secretary of the Navy, and ADMIRAL FRANK B. KELSO, as Chief of Naval Operations, United States Navy, Defendants.

The opinion of the court was delivered by: JAMES LAWRENCE KING

OPINION, ORDER OF REMAND, ORDER OF INJUNCTION, AND FINAL ORDER OF DISMISSAL WITH JURISDICTION RETAINED TO ENFORCE

THIS CASE was tried, by agreement of the parties and pursuant to Fed. R. Civ. P. 65 (a)(2), on March 12, 1992 in a non-jury final hearing on all issues. This Memorandum Opinion, incorporating findings of fact and conclusions of law and final decree, is entered after careful consideration of the record, the evidence introduced during the trial, the oral argument of counsel, and the briefs of the parties.

Plaintiff Protect Key West, Inc., d/b/a Last Stand ("Protect Key West") filed this action on June 4, 1991, against Defendants Richard Cheney, Secretary of Defense of the United States of America; H. Lawrence Garrett III, as Secretary of the Navy; and Admiral Frank B. Kelso, as Chief of Naval Operations, United States Navy. The Complaint alleged that the Defendants had violated the National Environmental Protection Act ("NEPA"), 42 U.S.C. ?? 4321 et seq.; regulations of the Council on Environmental Quality ("CEQ") for implementing NEPA, 40 C.F.R. Part 1500 et seq.; regulations of the United States Department of Defense for implementing NEPA, 32 C.F.R. Part 214; regulations of the United States Department of the Navy for implementing NEPA, 32 C.F.R. Part 774; and the Federal Coastal Zone Management Act of 1982 ("CZMA"), 16 U.S.C. ?? 1451 et seq. The Complaint sought an injunction against the further governmental action until the Navy complied in full with the requirements set out above.

The alleged violations center around the Navy's preparation of an Environmental Assessment ("EA") dated September 1988 for a housing project known as Peary Court, located in the City of Key West, Florida (the "City"). Plaintiff contends that the EA, the Finding of No Significant Impact ("FONSI") published in a City newspaper on February 6 through 8, 1989, and the Navy's decision to build on Peary Court violate the letter and spirit of NEPA, regulations implementing NEPA, and CZMA. The Navy answers that all of its actions and decisions are in full compliance with federal law.

On December 17, 1991, Plaintiff filed a motion for preliminary injunction. By order dated December 19, 1991, this Court referred the motion to Magistrate Judge Stephen T. Brown for a Report and Recommendation. After an evidentiary hearing on the motion on February 6 and 7, 1992, Magistrate Judge Brown recommended denial of preliminary injunctive relief on February 25, 1992. Plaintiff subsequently moved for a temporary restraining order ("TRO"), alleging that "mobilization" was commencing and construction imminent. This Court granted the TRO on March 6, and set a trial on the merits for March 12, 1992.

At the trial, the parties introduced documentary evidence, including the administrative record ("AR"), and the record from the hearing held by Magistrate Judge Brown. The Court heard from Dennis Wardlow, Mayor of the City of Key West, as amicus curiae in his personal capacity.

FINDINGS OF FACT

I. BACKGROUND

At issue in this cause is the construction of 160 homes for military personnel on Peary Court, a 28.65-acre parcel of land located in Key West, Florida. (AR 11) It is a part of the Trumbo Point Naval Air Station situated east of White Street and south of Palm Avenue, across from the main entrance to Trumbo Annex. Although not included in the City's Historic District, the property abuts the District on two sides. (AR 45, 125)

The site was used as United States Army barracks for approximately 120 years, from 1831 to 1951. (AR 180) In 1951 the barracks were demolished and housing for Navy personnel was constructed on the site ("Wherry Housing"). In 1974, Wherry Housing was demolished and most of the site was cleared, with the exception of the streets and some concrete foundations. (AR 63) The land is currently vacant except for a small Credit Union building which occupies 0.8 acres. (AR 8)

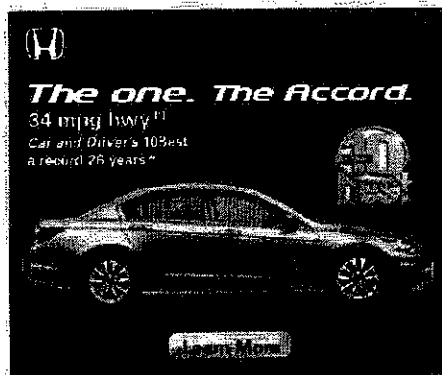
From 1974 through 1985, Naval Air Station Key West ("NAS Key West") granted the City a series of one-year leases. In 1985, the Navy granted the City a five-year lease. (AR 8, 63, 114) The City utilized the property primarily for recreational purposes, constructing a central ballfield on the property shortly after obtaining the license and a smaller ballfield several years later. (AR 63) In addition, the City requested and was given permission to use the site for a recycling center, among other things. (AR 8) When the City's license expired in November 1990, the Navy requested the City to vacate the site. (AR 144)

The administrative record reflects the Navy's longstanding plans to reconstruct military housing on the site. (AR 10: Master Plan for Naval Complex, dated Sept. 1981) On July 1, 1987, the Navy and Coast Guard entered into an agreement by which the Coast Guard would seek to fund the construction of 226 units of family housing on Navy-controlled property. (AR 26) The Navy would build, manage, and maintain the units and they would be made available to families of all the military services in the Key West area. (AR 13) Thereafter the Navy determined to construct such housing for some 160 families. (AR 13, 26, 31)

The Court finds that this project, known as Peary Court, is a major federal action.

In preparation for the Peary Court project, the Navy prepared an Environmental Assessment ("EA"). (AR 45) The sufficiency of this EA is the focus of the present action. A draft EA was prepared in April 1988. (Exh. T, #8) The final EA is dated September 1988. (AR 45)

On December 22, 1988, the Chief of Naval Operations informed the Naval Facilities Engineering Command in Charleston, South Carolina, that the EA had been reviewed and a determination made that preparing an Environmental Impact Statement ("EIS") was not required. (AR 58) Accordingly, the direction was given to publish the Notice of Finding of No Significant Impact ("FONSI") and the availability of the EA in the local Key West newspaper. (AR 58, 61) This publication was made in the Key West Citizen on February 6, 7, and 8, 1989. (AR 67) The notice stated that an EA had been prepared, and that the Navy would forego preparation of an EIS. The notice also specified how interested parties could obtain a copy of the EA.



Only one request was made for the EA. Then-Commissioner Harry Powell requested and received a copy of the EA on February 8, 1989. (AR 73) No written comments were submitted to the Navy regarding the EA or FONSI in response to the publication.

At the public hearing held on the proposed project on May 31, 1990, a number of people attended and spoke, including Commissioner Harry Powell, Sharon Wells, Mayor Anthony Tarracino, and Theodore Strader. (AR 107)

II. LEAD AGENCY

The Court finds that the Navy is the appropriate lead agency for the Peary Court project. The Navy owns the property and is ultimately responsible for its disposition.

III. THE EA

The EA is an 11-page document including three pages of maps. It consists of an introduction, four discussion sections, and a conclusion. (AR 45) The EA is attached as an exhibit hereto.

The EA first discusses the need for housing, noting among other things that increased tourism and lack of developable land in the Florida Keys had substantially increased rents and adversely affected housing availability in the Key West area. (AR 45)

Section II is entitled "Alternatives." The EA first describes the proposed action, addresses alternative sites, and explains why "no action" has been eliminated. (AR 45)

Section III of the EA is called "Affected Environment" and describes the site physically, explaining the environmental conditions of Key West generally. (AR 45)

Section IV, "Environmental Consequences," lists nine areas of environmental effect (Biological Resources, Noise, Air, Hydrology, Cultural Resources, Traffic and Circulation; Land Use and Visual Resources, Socioeconomics, and Energy Resources). Each of these consists of one-sentence to one-paragraph statements that there will be no significant adverse result from the project. (AR 45)

Finally, the EA concludes that the project would not significantly affect the environment. (AR 45)

Plaintiff has alleged several deficiencies in the EA, addressed below.

IV. STORMWATER RUNOFF

In the "Land Use and Visual Resources" section, the EA states that "permits relating to storm water . . . will be obtained." (AR 45) In the "Hydrology" section, the EA notes that "drainage can be handled through the existing system with minor improvements." (AR 45)

While the EA was being prepared, the Navy, in August 1988, met with the City Engineer for the City to discuss the existing drainage at the Peary Court site and other requirements. (AR 236, Part 7-147) In addition, the Navy had a Site Engineering Investigation Report prepared for the Peary Court site which included a topographic survey, geotechnical investigation, utilities investigation, and a storm water management report. This report is part of the Navy's Request for Proposal ("RFP"), through which the Navy conveys to the design and construction contractors the technical specifications that must be met. (AR 236, Part 7) (not dated) The stormwater management report states that a surface water permit will be needed from the South Florida Water Management District ("SFWMD") and that the storm drainage must be designed and constructed in accordance with the "Basis of Review for Surface Water Management Permits Applications" within the SFWMD. (AR 236, Part 2-19, Part 7-18) The SFWMD is charged with identifying the significant environmental features of the project which relate to water resources, evaluate the impact of the project on those water resources, and either issue or deny a permit application. (AR 236, Part 7-199) SFWMD's responsibility in the permit process is to ensure that the applicant's proposed design will not be harmful to water resources or inconsistent with the public interest. (AR 236, Part 7-193) The Navy's contractor has applied for a permit and has submitted its drainage system design to the SFWMD which is completing its review.

The Navy has still not conducted any hydrology studies addressing issues of drainage, possible contamination of stormwater runoff, possible contamination of Florida Bay and impact on the Lens aquifer underlying Peary Court. The Navy regards these as design rather than environmental issues, to be resolved when construction is underway.

Puriegton Howanitz, Director of Public Works for the City and an expert in water, water quality, stormwater, and drainage systems, has expressed concern about stormwater runoff in the vicinity of Peary Court. In particular, there is flooding on Palm Avenue at the intersection with White Street from 1980 to the present as a result of stormwater runoff. (Howanitz Aff., Exh. 5, at 1-3) Howanitz testified that the runoff will be exacerbated if Peary Court is built. (Howanitz Deposition at 34, 60-62) Theodore C. Strader, an expert in City Planning, concurs. (Strader Deposition, Exh. 9, at 69-70; Exh. BB, at 10-11, 14-15) The construction of houses and parking areas will likely contaminate the Lens aquifer. (Exh. BB, at 18-25)

V. HISTORIC DISTRICT

In the Cultural Resources section, the EA states that "compliance with requirements for juxtaposition of new construction with the Historical District will be ensured." (AR 45) The EA also states that the Historic District will be taken into consideration in the design of the housing units, under "Land Use and Visual Resources." (AR 45)

During 1988, meetings and discussion of building plans were held between representatives of the Navy and the City, which included members of the Historical Architectural Review Commission ("HARC") and the Historic Florida Keys Preservation Board ("Preservation Board"). (AR 52, 53, 54, 66, 83, 89) The Navy now takes the position that the Peary Court project's compatibility with the Historic District has been assured through coordination between the Navy and the Florida State Historical Preservation Office ("SHPO"). (AR 91, 92, 100, 102, 107, 113-14, 123, 125, 135, 137, 149, 152, 162, 167, 176, 178-79, 181-82, 184-85, 193 211, 228-29)

In accordance with ? 106 of the NHPA, the Navy entered into a Memorandum of Agreement ("MOA") with SHPO and the Advisory Council in November 1990. (AR 149) Among other things, the Navy agreed that archeological and traffic studies would be prepared; that SHPO and the City would review the proposed housing, landscaping, and road improvement plans; and that the architectural design of the proposed housing would be compatible with the adjacent historic district. (AR 149) After this suit was filed, and in accordance with the MOA, the Navy forwarded the project design to the City and SHPO for review on November 5, 1991. (AR 224, 225) Comments were returned on December 20, 1991. (AR 231) The Navy took the SHPO/City comments into account, including a meeting with SHPO staff on January 17, 1992. (Exh. R; Exh. 2) A few weeks ago, on February 18, 1992, SHPO responded that the project was "consistent with the Secretary of Interior's Standards for Rehabilitation." (Exh. 24)

Sharon L. Wells, an expert in history and historic preservation, has said that the architecture of the Peary Court project is incompatible with the Historic District. (Wells Aff., Exh. 12, at 54) She stated that added vehicles from the families living in Peary Court will exacerbate traffic conditions in the Historic District. (Wells Aff. at 8) Eugene E. Burr, an expert in planning and architecture, believes that the changed traffic patterns will have a significant impact upon the Historic District. (Burr Deposition, at 41-43)

VI. ALTERNATIVE SITES

In terms of alternatives to the Peary Court site, the EA states simply:

B. Locate on Another Site

This alternative was rejected because there is no other Navy-owned land available that has the advantages of the preferred site. Non-Navy land is practically non-existent and would require the expenditure of capital funds for land purchase.

(AR 45)

Plaintiff complains that the Navy did not adequately take into account the alternatives to building at Peary Court. The Navy prepared a Case Alternative Report which analyzed all reasonable alternatives in the Key West area. (AR 114) (not dated) The report considers sixteen possibilities to provide the required housing, including Peary Court and other potential sites, as well as alternative means of obtaining housing (e.g., purchase of existing housing). (AR 114) In August 1990, this report was distributed for review to SHPO, NAS Key West, the City, HARC, the Historic Florida Keys Preservation Board, and the Advisory Council on Historic Preservation. (AR 113, 114)

VII. TREES

Under Biological Resources, the EA notes and the Court finds that the only substantial vegetation on the site is trees; that no threatened or endangered species of plant life or wildlife occupy the site; and that no wetlands will be impacted. (AR 45)

The Navy states that as early as October 1988 made a commitment to preserve the trees on the site and so notified HARC. (AR 52) The Navy's contractor will be required to build around existing trees at Peary Court, and all protected trees will remain undisturbed. (AR 234)

A number of the Plaintiff's affiants expressed concern that the Peary Court project could result in the loss of valuable "specimen trees." (Wells Aff. at 6-7; Burns Aff. at 3; Stewart Aff. at 3)

VIII. TRAFFIC

The EA states that there will be an increase of approximately 240 vehicles utilizing the streets in and around Peary Court, but that there should be no significant increase in traffic congestion because the roads will be relocated and realigned. (AR 45)

The City submitted several proposed traffic circulation plans to the Navy which were duly considered. (AR 54, 66) The City's proposal to move the Palm Avenue entrance and exit was endorsed by NAS Key West. (AR 54) After Plaintiff filed this suit, the Navy in October 1991 produced a document called "Traffic Impact Study for Peary Court Housing Area Trumbo Point Annex NAS Key West, Florida" ("Traffic Study"), which concluded that traffic conditions would improve on White Street and worsen slightly on Palm Avenue, that the proposed design would reduce cut-through and commercial traffic while adding a small amount of residential traffic in the area of White and Southard Streets, and that the only significant traffic effect of the project would be the reduction of traffic on Southard Street. (AR 229) This Traffic Study, which was conducted four months after the litigation was commenced, was distributed for review to SHPO, NAS Key West, the City, and the Advisory Council on Historic Preservation. (AR 226-28)

David A. Ornstein, A.I.C.P., an expert in planning, testified that Palm Avenue, between North Roosevelt Boulevard and White Street, was overburdened with traffic in 1987 and has the State's lowest level of service at present. (Ornstein Aff., Exh. AA, at 11-14; Ornstein Deposition, at 35) It was his opinion that the addition of traffic from the new families will have a significant impact on the already overburdened Palm Avenue. (Ornstein Aff. at 14, Strader Aff., Exh. BB, at 3-4)

Mr. Strader testified that the Navy study is inaccurate because normal traffic flows during the study had been interrupted for unrelated highway construction along Roosevelt Avenue, making the Traffic Studies' figures unreliable. Further, Strader states that the negative traffic impact in this area is unavoidable. Palm avenue cannot be widened because it flows into the narrow Palm Avenue Bridge. (Strader Aff. at 5, 8-10)

IX. PROTECTION OF ARCHEOLOGICAL REMAINS

As agreed in the MOA, an archeological survey was carried out pursuant to Department of Interior procedures. (AR 181, "Executive Summary") (dated Mar. 6, 1991) The report of the investigation called for preservation and maintenance of an area that had been the previous site of a cemetery, a well at cistern 10, and an area of suspected wells under the loop road. (AR 181 at 38, 39; AR 182) As a result of this archeological survey, the cemetery will be protected. (AR 181, 182) SHPO gave its approval and concurred in the matter in March 1991, (AR 184). Plaintiff agrees that its concerns have been satisfied. (Burr Deposition, Exh. 3, at 34; Wells Deposition, Exh. 12, at 32-33)

CONCLUSIONS OF LAW

I. STANDARD OF REVIEW

Before the Court undertakes a substantive review of the requirements of NEPA, it is necessary to determine the appropriate standard of review. The Eleventh Circuit has reviewed a federal agency's decision not to prepare an Environmental Impact Statement under "a standard of reasonableness," specifically rejecting the more narrow "arbitrary and capricious" standard. See *C.A.R.E. Now, Inc. v. Federal Aviation Admin.*, 844 F.2d 1569, 1572 (11th Cir.), reh'g denied, en banc 854 F.2d 1326 (1988). The court concluded that NEPA required a higher level of review than that ordinarily employed in reviewing agency action under the Administrative Procedure Act. *fn1* Id. at 1572-73 n.3. Using that level of scrutiny, the court found that the Federal Aviation Administration's issuance of a Finding of No Significant Impact for an airport runway extension project was reasonable, setting out its mission by stating: "Our task is not to choose the best alternative, but to ascertain that the FAA made a 'reasoned choice' among these alternatives." Id. at 1574. The court analyzed the merits of each proposed alternative considered by the FAA before the agency reached its conclusion. Thus, while the court accorded broad discretion to the agency in selecting the best option, the procedure by which that decision was made was subjected to review. The FAA was compelled to justify the reasoning and factual conclusions contained in its EA and subsequent FONSI.

Since *C.A.R.E.* was decided, the Supreme Court has held in *Marsh v. Oregon Natural Resources Council*, 490 U.S. 360, 109 S. Ct. 1851, 104 L. Ed. 2d 377 (1989), that the appropriate standard of review of an agency's determination not to prepare a supplemental EIS is the "arbitrary and capricious" standard. The Eleventh Circuit subsequently adopted this standard for determining the adequacy of an EIS. See *North Buckhead Civic Ass'n v. Skinner*, 903 F.2d 1533, 1538 (11th Cir. 1990).

In practice, the standards tend to merge. As the Supreme Court has noted, the difference between the two standards is "not of great pragmatic consequence. Our decision today will not require a substantial reworking of long-established NEPA law." *Marsh*, 109 S. Ct. at 1861 n.23 (citations omitted); see also *Manasota-88, Inc. v. Thomas*, 799 F.2d 687, 692 n.8 (11th Cir. 1986) (difference between standards is "often difficult to discern"). Under either standard, the reviewing court must "ensure that agency decisions are founded on a reasoned evaluation 'of the relevant factors.'" *Marsh*, 109 S. Ct. at 1861.

The Court's role in this case is thus carefully circumscribed. The merits of the Peary Court proposal per se are not before the Court. Nor may this Judge call into question any reasonable agency methodologies used in arriving at its conclusion. Rather, the Court's review is limited to ensuring that the process that produced the result complies with NEPA. The Court is obligated to scrutinize the analysis and conclusions reached in the EA for evidence of such compliance.

II. EVALUATION OF THE ENVIRONMENTAL ASSESSMENT AND FONSI

A. Inadequacy of Environmental Assessment

The original EA prepared for the Peary Court Project consists of eight typewritten pages, exclusive of three area maps, with just over two pages devoted to "Environmental Consequences." Each of the potential environmental impacts addressed therein is dismissed in conclusory "findings," without further discussion or even citation. *fn2* The FONSI itself simply restates the conclusions of the EA. (AR 67)

The District of Columbia Circuit has established four useful criteria for reviewing an agency decision to forego preparation of an EIS: (1) whether the agency took a "hard look" at the problem; (2) whether the agency identified the relevant areas of environmental concern; (3) as to the problems studied and identified, whether the agency made a convincing case that the impact was insignificant; and (4) if there was impact of true significance, whether the agency convincingly established that the changes in the project sufficiently reduced it to a minimum. See *Cabinet Mountains Wilderness v. Peterson*, 685 F.2d 678, 682 (D.C. Cir. 1982) (citation omitted).

Carefully comparing the procedure followed by the Navy in preparing the EA on Peary Court with what is required by law, see id. at 682, leads to the inescapable conclusion that the September 1988 EA was wholly inadequate. Far from the requisite "hard look," the Navy barely took any look at the environmental consequences of the project in the EA. Because the EA does not evince a good faith effort to "study and identify" relevant problems and alternatives, any analysis of whether the Navy "convincingly" established the insignificance or planned mitigation of environmental harms would be pointless. There is no formal study, informal documentation, or even informal agency discussion referenced in the EA. Because the EA does not state that any other agency or organization was involved or consulted in its preparation, the Court concludes that this did not occur. As to each potential impact, the EA merely restates its own ultimate conclusion that no problems will result from any of the contemplated action. Alternatives are not specifically mentioned, but for a two-sentence dismissal of the option, "Locate on Another Site."

The Navy prudently does not attempt to defend this action solely on the adequacy of the EA. Indeed, the Mayor of Key West, as amicus curiae testifying in favor of the construction of military housing on the site, noted: "If all the Court had to look at was the original Environmental Assessment from 1988, the Court would have to find that the decision to reconstruct the military housing at Peary Court was arbitrary and capricious." Prop. Fin. Ord. and Op. at 8.

The Court finds that the 1988 EA prepared by the Navy fails to meet the requirements of NEPA.

B. "Cure" by Subsequent Documentation

The Navy and amicus argue that the studies, surveys, and investigations conducted after the decision was made to proceed with the Peary Court project "cure" any defects in the original EA. Defendants contend that these studies, taken together, satisfy the requirement for preparation of an EA, and support the 1988 Finding of No Significant Impact. Plaintiff responds that the subsequent studies, reports, analyses, performed after the fact, cannot and do not cure the defective EA. Plaintiff urges the Court to order the Defendants to prepare a full EIS, because the project will have a significant impact on the environment.

Resolution of this controversy cuts to the heart of NEPA's mandate. A review of NEPA and the EA's role in the statutory scheme is necessary before the Court considers the Navy's theory that its subsequent studies and analyses meet the statutory requirements, thus "curing" the EA.

1. NEPA and Regulations Promulgated Thereunder

The National Environmental Policy Act of 1969 sets forth a "national policy which will encourage productive and enjoyable harmony between man and his environment [and] promote efforts which will prevent or eliminate damage to the environment and biosphere and stimulate the health and welfare of man." 42 U.S.C. § 4321.

The Eleventh Circuit has recently explained the genesis and overall approach of the Act:

Prior to the passage of [NEPA], environmental considerations were systematically underrepresented in the federal agency decision making process. Consistent with traditional notions of natural resource allocation, the benefits of development were overstressed and less environmentally damaging alternatives for meeting program objectives were often given limited consideration. NEPA declares a broad national commitment to protecting and promoting environmental quality. This commitment is implemented by focusing government and public attention on the environmental effects of proposed agency action; The Act ensures that important environmental consequences will not be "overlooked or underestimated only to be discovered after resources have been committed or the die otherwise cast." In short, NEPA requires that the evaluation of a project's environmental consequences take place early in the project's planning process.

North Buckhead, 903 F.2d at 1539-40 (emphasis added) (citation omitted).

NEPA does not set out substantive environmental standards, nor prescribe any regulatory program. Rather, the congressional mandate of § 4321 is realized through a set of "action forcing" procedures that require an agency to take a "hard look" at environmental consequences. *Robertson v. Methow Valley Citizens Council*, 490 U.S. 332, 109 S. Ct. 1835, 1846, 104 L. Ed. 2d 351 (1989); *Vermont Yankee Nuclear Power Corp. v. Natural Resources Defense Council*, 435 U.S. 519, 558, 55 L. Ed. 2d 460, 98 S. Ct. 1197 (1978) (mandate to agencies under NEPA is "essentially procedural"). The procedural requirements derive from 42 U.S.C. § 4332 (2)(C)(i-iv), which directs all agencies of the federal government to prepare for "major Federal actions" a detailed statement on (i) the environmental impact of the proposed action; (ii) any unavoidable adverse environmental effects if a project is implemented; (iii) alternatives to the proposed action; (iv) the relationship between short-term uses of the environment and maintenance of long-term productivity; and (v) any irreversible and irretrievable commitments of resources involved in the project's implementation.

Pursuant to Executive Order, "fn3" the Council on Environmental Quality was directed to promulgate regulations binding on all federal agencies for the implementation of NEPA. These regulations, promulgated in late 1978, codified and clarified much of the established procedure under the statute. The first step in the compliance process is the preparation of an "Environmental Assessment," defined in relevant part as "a concise public document . . . which serves to: Briefly provide sufficient evidence and analysis for determining whether to prepare an environmental impact statement or a finding of no significant impact; and] Shall include brief discussions of the need for the proposal, of alternatives as required by [§ 4332(2)(E)] of the environmental impacts of the proposed action and the alternatives, and a listing of agencies and persons consulted." 40 C.F.R. § 1508.9 (1991).

Based on the EA, an agency decides whether to prepare an "Environmental Impact Statement." 40 C.F.R. § 1501.4(c). An EIS is an exhaustive analysis of the impacts, proposed mitigation, and alternatives to the federal project, which has been circulated to other involved agencies, see § 1502.19, subject to public comment and agency response, see § 1503, reviewed by the CEQ in case of interagency disagreement, see § 1504, and ultimately submitted to the President. The EIS, therefore, is the primary vehicle for compliance with NEPA where a project will have a significant impact on the environment. The EIS is the "action forcing" device envisioned by Congress to insure that NEPA's policies and goals are infused into federal decisionmaking. 40 C.F.R. § 1502.1.

Therefore, the EA is a fundamental crossroads in the process. Based upon the EA's analysis and conclusions, an agency may issue a FONSI, thereby terminating the NEPA process, or proceed to the next phase by preparing an EIS. In effect, the EA and decision to issue a FONSI based thereon remove an agency from any further obligations under NEPA.

2. "Commit First, Ask Questions Later?"

Against this statutory background, it is clear that the Navy's theory of "cure" in this case would violate the letter and spirit of NEPA.

The documentation offered in support of the EA's "findings" was prepared after the EA and FONSI were issued. Indeed, Defendants' response to Plaintiff's interrogatories indicates that no written studies, analyses or reports on any environmental issue were prepared from the time the project was initially considered until the EA was issued in September 1988. Certain studies were conducted as the project went to bid; a traffic impact study was not conducted until October 1991, four months after this litigation was commenced. The record reflects that the analyses of environmental issues produced after the EA was issued are by-products of the myriad engineering and other technical studies conducted subsequent to the decision to build on the Peary Court site. The Navy argues that these studies support the agency's earlier finding of no significant impact.

Accepting the Navy's argument would render the EA/FONSI process a mere formality. As in this case, an agency could issue a perfunctory EA (and FONSI based thereon), and proceed with a project unhindered by further NEPA requirements. If challenged, the agency could support its pro forma EA with whatever studies were produced in the course of implementing the proposal. Any remaining environmental problems could be resolved after the decision to go forward with the project was actually made.

This result is not what Congress intended. The Act's effectiveness depends on involving environmental considerations in the initial decisionmaking process. See *Robertson*, 109 S. Ct. at 1845 (NEPA goals achieved during period when agency is "contemplating a major action"); see also 40 C.F.R. § 1501.2 ("Agencies shall integrate the NEPA process with other planning at the earliest possible time to insure that planning and decisions reflect environmental values, to avoid delays . . . , and to head off potential conflicts"); 40 C.F.R. § 1500.1 ("NEPA procedures must insure that environmental information is available to public officials before decisions are made and before actions are taken"). In the NEPA context, post hoc compliance by definition does not accord with the congressional mandate. See *Sierra Club v. Lujan*, 716 F. Supp. 1289 (D. Ariz. 1989); *Cady v. Morton*, 527 F.2d 786, 794 (9th Cir. 1975).

The Court is not unaware of the onerous burden that this law places on an agency desiring to move forward efficiently and expeditiously. The law must nonetheless be followed.

The Navy has failed to demonstrate evidence of NEPA compliance before committing to the Peary Court project.

III. REMEDY

A. Remand

The preceding finding of a NEPA violation does not determine the appropriate remedy. Clearly, Congress did not intend that an agency have only "one bite at the apple" in attempting to comply with the statute. The Court now turns to equitable considerations.

The Navy's most persuasive argument against the injunctive relief sought by Plaintiff is that nothing but delay would be accomplished by a remand to the agency for further NEPA proceedings. Both during the Magistrate Judge's hearing and at trial, the Navy argued that subsequent studies confirmed the findings of the EA. Remand, Defendants suggest, would be pointless because each potential harm of concern to Plaintiff was either insignificant or mitigated as the design of the project progressed. See Defs' Mem. in Opp. to Prel. Inj. at 17-27. *fn4"

The Court is mindful of the strong policy against sanctioning delay for the sake of procedural regularity. The facts of this case, however, require the Court to transcend such concerns, grant relief, and fashion a remedy.

While the Navy rested its case entirely upon the administrative record, Plaintiff offered credible expert testimony of uncorrected environmental problems at the Peary Court site. See, e.g., Findings of Fact at IV, V, & VIII. These experts took issue with the findings and conclusions of the studies relied upon by the Navy in support of its original EA. Both parties now urge the Court to determine from this conflicting evidence whether the Peary Court project will have a significant impact on the environment, much as the agency properly should have done in the first instance. *fn5"

This determination, however, is appropriately made by the agency and not the Court. The Court's proper function at this point is not to make this substantive determination, but rather to insure that the agency reasonably took account of all of the environmental consequences of its action before making the decision to proceed. *fn6" The Court makes the limited finding here that based on Plaintiff's evidence adduced in these proceedings, the agency at the time the EA was filed, failed reasonably to consider the environmental consequences of its decision to proceed as required by NEPA. Therefore, a remand to the agency for further proceedings consistent with NEPA and this opinion is appropriate. The Navy will be ordered to prepare an adequate EA within forty-five days from the date of this Order.

B. Injunction

The Court finds that Plaintiff has satisfied the prerequisites to the injunctive relief sought.

Plaintiff has demonstrated that irreparable harm will result from construction of this project.

As explained above, in the absence of an adequate EA, the Court is unable to determine if the project will have a significant impact on the environment. The Court is similarly unable to evaluate the Navy's mitigation measures. Therefore, in the absence of an injunction, Plaintiff may suffer the precise irreparable harms sought to be prevented by this action. Plaintiff has shown that serious and unresolved questions remain as relate to, inter alia, stormwater runoff and flooding, contamination of the Lens aquifer, increased traffic and congestion, and destruction of specimen trees and aesthetic resources. Irreparable harm results where environmental concerns have not been addressed by the NEPA process. See *Sierra Club v. Marsh*, 872 F.2d 497, 504 (1st Cir. 1989) (affirming injunction based on NEPA procedural lapse because "risk implied by a violation of NEPA is that real environmental harm will occur through inadequate foresight and deliberation").

The Court additionally finds that a balance of the harms favors the Plaintiff. *fn7" The construction of military housing at some site in the Key West area will be delayed only by the amount of time necessary to comply fully with NEPA. Compliance has been an obligation of the government since the inception of the project, and should have been built into the project schedule originally. *fn8"

FINAL DECREE OF INJUNCTION

Accordingly, after a careful review of the record, and the Court being otherwise fully advised, it is

ORDERED and ADJUDGED that the determination of Defendants to utilize the Peary Court site in the City of Key West for military housing is in violation of the National Environmental Policy Act of 1969, 42 U.S.C. ?? 4321 et seq., and regulations promulgated thereunder, 40 C.F.R. ?? 1500 et seq. It is further

ORDERED and ADJUDGED that Defendants, its officers, servants, agents, employees and contractors, including but not limited to Caddell Construction Company, Inc., of Montgomery, Alabama, be and the same hereby are permanently RESTRAINED and ENJOINED from commencement of construction of military housing at the Peary Court site located within the City of Key West, Florida or taking any other actions in furtherance thereof PENDING the preparation of an Environmental Assessment in conformity with 42 U.S.C. ?? 4321 et seq. and regulations promulgated thereunder, and consistent with this Opinion. Said Environmental Assessment shall be PREPARED and COMPLETED no more than forty-five (45) days from the date of this Order, but may at Defendants' option be completed in less time. The injunction granted hereby shall be DISSOLVED automatically by its expiration five (5) days from the date said Environmental Assessment is issued. Defendants may use, employ, and otherwise incorporate any previously prepared reports, analyses or studies in the preparation of said Environmental Assessment. It is further

ORDERED and ADJUDGED that this case be and the same hereby is DISMISSED. The Clerk of the Court shall CLOSE this case. The Court retains jurisdiction to enforce the provisions of this Final Order. It is further

ORDERED and ADJUDGED that each party shall bear its own cost and attorneys' fees of this litigation, as Defendants' litigation position was substantially justified. It is further

ORDERED and ADJUDGED that the Report and Recommendation of February 25, 1991 be and same hereby is MOOT.

DONE and ORDERED in chambers at the United States District Courthouse, Federal Courthouse Square, Miami, Florida, on this 30th day of March, 1992.

JAMES LAWRENCE KING

U.S. DISTRICT JUDGE

SOUTHERN DISTRICT OF FLORIDA

APPENDIX

ENVIRONMENTAL ASSESSMENT FOR PROJECT-FA17 NAVY FAMILY HOUSING AT PEARY COURT
NAVAL AIR STATION, KEY WEST, FL

September 1988

This assessment has been Prepared by Southern Division, Naval Facilities Engineering Command in accordance with OPNAVINST 5090.1 in compliance with the National Environmental Policy Act

INTRODUCTION

This document is an Environmental Assessment (EA) for the proposed construction of 160 units of junior enlisted personnel housing. The preferred site for this project is the Perry Court area within the Key West City limits, south of Trumbo Point. This action has been initiated as a result of the shortage of affordable housing in the Key West area. This EA has been prepared in accordance with the Council on Environmental Quality regulations implementing the National Environmental Policy Act and with with OPNAV Instruction 5090.1, Environmental Protection Manual, (Department of the Navy, 1983).

I. PURPOSE AND NEED

The Key West Naval Complex is located in the City of Key West, Monroe County, Florida, approximately 156 highway miles southwest of Miami and 90 miles north of Havana, Cuba. See Figures 1 and 2. It's location has international significance in being the closest point in the United States to Cuba, Central and South America, and the Caribbean Sea. The complex includes several sites scattered along the Keys and includes the largest, unencumbered airspace available for the Navy's training on the east coast of the United States. The Naval Air Station is the host activity.

Historically the Key West area has relied on the military, especially the Navy, as an economic base. Tourism and the military account for over 50 percent of all earnings in the area. Fluctuations in military personnel have immediate impact to the area. Recently there has been a gradual increase in military personnel which has had a positive economic impact, but has also exacerbated the demand for housing.

The availability of housing is directly related to tourism in the Keys area. Recently, the Florida Keys have experienced a significant increase in tourism partially attributed to the renewed interest in travelling within the United States. This has been compounded by significant increases in the number of students vacationing in the Keys during spring break. Increased tourism has created two problems concerning affordable housing in Monroe County. First and foremost, owners of multi-family rental units can get a higher return renting a unit during the peak season than can be generated from yearly leases among local residents or seasonal employees. Second, increased tourist trade has forced restaurants, resorts, and retail establishments to hire additional personnel who need affordable housing. Unlike many resort areas, the Keys also face a shortage of developable land.

[SEE FIGURE 1 REGIONAL MAP IN ORIGINAL]

[SEE SITE MAP IN ORIGINAL]

No new military housing has been built in the area since the military build-up of the 1960's and early 1970's. There has actually been a decrease in military housing due to the demolition of Wherry Housing Units at Peary Court in the early 1980's. Currently there are 168 families on the waiting list for military housing in Key West. With the expected increase in both Navy and Coast Guard personnel over the next several years, this number will grow. Key West has been declared a critical housing by Department of Defense.

Peary Court is located in the City of Key West, adjacent to and south of Trumbo Point, and was formerly the site of Wherry Housing. From this location personnel assigned to NAS Key West or any of the other tenant commands would be able to commute by car to any of the various sites that comprise the Naval complex of Key West. The most remote site is less than ten miles away. The Peary Court site contains 28.65 acres of land. The Key West Federal Credit Union currently leases 1.08 acres of this land and will remain there after construction is complete.

II. ALTERNATIVES

A. Proposed Action

The proposed action is to construct 160 housing units for junior enlisted personnel at Peary Court. Units will be two bedroom with approximately 950 square feet each. The proposed site is adjacent to the Key West Historic District which was listed on the National Register of Historic Places in 1971. This will necessitate that the external architecture of the housing units take the surrounding architecture into consideration to ensure compatibility and continuation of the Key West theme.

The advantage to this site is that it is owned by the Navy, it is in the vicinity of other Navy housing and community support facilities, it is not encumbered by man-made constraints such as ordnance, airfield safety or high noise, and it conforms to the land use proposed by the approved Naval complex Key West Master Plan. Housing is the best use of the land by the Navy.

The preferred site is available, has been used for Navy housing in the past, is compatible with surrounding land uses, has utility service lines in place (conditions unknown), and is close to existing Navy infrastructure.

B. Locate on Another Site

This alternative was rejected because there is no other Navy-owned land available that has the advantages of the preferred site. Non-Navy land is practically nonexistent and would require the expenditure of capital funds for land purchase.

C. No Action

The no action alternative will result in the continued shortage of suitable reasonably priced junior enlisted personnel housing, and will only exacerbate current shortages previously described. For this reason, the no action alternative has been eliminated.

III. AFFECTED ENVIRONMENT

Geologically, the Florida Keys form an arcuate chain of small limestone islands extending 150

miles from Miami to Key West. The Keys are divided into the Upper Keys (narrow elongate islands parallel to the trend of the arc) and the Lower Keys (land masses with axes perpendicular to the arc). The Upper Keys extend from Soldier Key in Biscayne Bay to Bahia Honda Key. The Upper Keys surficial outcrop consists primarily of Key Largo Limestone (coral reef rock). The Lower Keys begin at Big Pine Key and extend to Key West and beyond to the Marquesas Keys.

The uppermost geologic formation in the lower Florida Keys is the Miami Oolite. This unit, found at each study site at NAS-Key West, is approximately 20 feet thick and is composed of sand-sized rounded accretionary grains mixed with carbonate sands and shelly material (White, 1970).

The geologic units underlying the Miami Oolite, in order of increasing depth, are: the Key Largo limestone (composed of cemented coral reef rubble and shelly material to a depth of roughly 250 feet), Tamiami Formation (a limestone containing fine sand, clayey sand, and gray-green clay to a depth of 900 feet), Hawthorn Formation (consisting of blue-green clay and marl with varying amounts of quartz sand and gravel to a depth of 1,100 feet), and the Tampa Formation (a sandy limestone to a depth of 1,200 feet).

The Peary Court area was previously used for Navy housing. Trumbo Point Annex, adjacent to the proposed site (See Figure 3), includes three piers used by the Navy and U.S. Coast Guard, a 300 room Bachelor Officer Quarters, a fuel farm, a seaplane hangar, two swimming pools, and 193 family housing units. The non-military areas around Peary Court are primarily moderate-density residential units with some light commercial establishments.

[SEE ILLUSTRATION IN ORIGINAL]

A portion of this site is currently being leased by the Key West Federal Credit Union, who will remain after the project is completed. Other parts of the site have been converted to two softball fields and associated recreational uses. This recreational area is licensed to the City of Key West. The license can be terminated at any time by either the Navy or the City. The license is scheduled to automatically expire in March 1990. With the proposed project being in the FY-90 program, construction will most likely not start until after this license has expired in March, therefore no problems are anticipated.

The military complex at Key West is a critical element of the U.S. national defense posture in the Caribbean and Central America. It also provides a major source of economic support for the Key West area, being responsible for 23 percent of all earnings. Tourism is responsible for 29 percent of all earnings and is the major factor in employment in Key West. Other economic activities of importance to the Key West area involve marine-related industries, retirement and seasonal residences, and export business. The overall percentage distribution of land uses in Key West is as follows (City of Key West, 1981): State Park (Fort Zachary Taylor) 2% Naval Real Estate 13% Historic Preservation District 12% Commercial 21% Residential 49% Industrial 3% 100%

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PRIVACY POLICY





THE CITY OF KEY WEST PLANNING BOARD Staff Report

To: Chairman and Planning Board Members

From: Amy Kimball-Murley, AICP

Meeting Date: February 26, 2009

Agenda Item: **Building Permit Allocation System Ordinance** – Modifications to Chapter 108, Article X, Building Permit Allocation and Vested Rights, Code of Ordinances, pursuant to Chapter 90, Article VI, Division 2, Land Development Regulations, Code of Ordinances, City of Key West, Florida

Background

The Building Permit Allocation System (BPAS), commonly known as the Rate of Growth Ordinance, or "ROGO", was originally adopted in response to the City's 1993 Comprehensive Plan and required by a subsequent stipulated settlement agreement between the City and the Florida Department of Community Affairs in 1996. The purpose of the BPAS is to ensure that residential growth, including transient growth, does not exceed the hurricane evacuation capacity of the roadways in the Florida Keys.

In response to a Writ of Mandamus pertaining to the Southernmost House, the City began revisions to the Building Permit Allocation System ordinance as part of Zoning in Progress efforts. A public workshop was held in late April to obtain public input on the direction of the new ordinance; a second, City Commission, workshop was held in late October to present analysis and outline specific issues and approaches to the ordinance, including discussion of public comments gathered at the first workshop. The City Commission directed staff to minimize changes to the existing ordinance and reserve more complex changes for discussion during the Comprehensive Plan updates expected over the next year. As such, the revisions would not change the basic system as it has existed since adoption of the Comprehensive Plan and stipulated agreement. Specific areas for immediate revision included the following:

- Eliminate confusing language regarding the period of allocation and time frame addressed by the ordinance;
- Include a system for determining whether existing development is effected by the Building Permit Allocation System (i.e., acknowledging existing units);
- Include clear provisions for new inputs into the system;
- Eliminate obsolete provisions on vesting processes;
- Ensure that newly allocated units are completed within a specific timeframe; and,

- Provide for an annual City Commission review of allocated units by structure type.

The following draft ordinance follows the Commission's direction, and also eliminates obsolete references to the original stipulated settlement agreement. Several sections have been combined in order to eliminate redundancies in the ordinance and clarify language when appropriate. Importantly, the revisions do not attempt to make substantive changes to the system as it has existed since the ordinance was put in place. Almost any truly substantive change will require revisions to the underlying policies of the Comprehensive Plan; these revisions are certain to occur in the future as part of the City's first major plan.

A first draft of the ordinance was reviewed by the Planning Board in December; at that time, Board members commented on the draft and asked staff to ensure that the DCA conduct a courtesy review of the document. Discussions with the DCA have been ongoing and this draft of the ordinance reflects verbal comments relayed by DCA as of February 24, 2009. Written comments from the DCA have not been transmitted to the City to date.

Review Criteria: Section 90-522 of the Code outlines key review criteria for any changes to the Land Development Regulations. A review of the proposed ordinance relative to the criteria is provided below.

Sec. 90-522. Planning board review of proposed changes in land development regulations.

(a) The planning board, regardless of the source of the proposed change in the land development regulations, shall hold a public hearing thereon with due public notice. The planning board shall consider recommendations of the city planner, city attorney, building official and other information submitted at the scheduled public hearing. The planning board shall transmit a written report and recommendation concerning the proposed change of zoning to the city commission for official action. In its deliberations the planning board shall consider the criteria stated in section 90-521.

The Planning Board reviewed a draft of the ordinance on December 18, 2008, and requested an additional hearing. This document constitutes the summary of relevant criteria reviewed by the Planning Board.

Sec. 90-521. Criteria for approving amendments to official zoning map.
In evaluating proposed changes to the official zoning map, the city shall consider the following criteria:

(1) *Consistency with plan.* Whether the proposal is consistent with the comprehensive plan, including the adopted infrastructure minimum levels of service standards and the concurrency management program.

The proposed change does not impact the official zoning map or underlying future land use map designations. It does provide for modifications to the existing Building Permit

Allocation System ordinance, which itself exists to implement specific policies in the Comprehensive Plan, as follows:

OBJECTIVE 1-3.12: MANAGING BUILDING PERMIT ALLOCATION. (Cross reference Policy 5-1.6.4: Building Permit Allocation and Hurricane Evacuation, herein Section XII). The State of Florida, Monroe County and its municipalities have concluded that: 1) the present hurricane evacuation clearance time in the Florida Keys is unacceptably high; and 2) based on a continuation of historic rates of growth within the County incorporated and unincorporated areas; clearance time will continue to increase.

In order to protect the health and safety of the residents in the Florida Keys, the City of Key West shall regulate the rate of population growth commensurate with planned increases in evacuation capacity in order to prevent further unacceptable increases in hurricane evacuation clearance time. Regulation of the rate of growth will also assist in preventing further deterioration of public facility service levels. Therefore, in concert with Monroe County and the Cities of Key Colony Beach and Layton, upon plan adoption, the City shall manage the rate of growth in order to reduce the 1990 hurricane evacuation clearance times of 35 hours to 30 hours by the year 2002 and to 24 hours by the year 2010. The Florida Keys hurricane evacuation studies (Post, Buckley, Schuh & Jernigan, 1991) and the "Lower Southeast Florida Hurricane Evacuation Study Update" (US Army Corps of Engineers, June 1991) provided the basis for the 1990 hurricane evacuation clearance time and also provide the basis for projecting the targeted evacuation clearance times.

Policy 1-3.12.1: Establishing a Building Permit Allocation Ordinance. Upon plan adoption, the City of Key West shall adopt a building permit allocation ordinance. The building permit allocation ordinance shall establish a permit allocation system for managing new permanent and transient residential development. The permit allocation system shall limit the number of permits issued for new permanent and transient development to 5,786 units during the period from April 1, 1990 (i.e., the starting date used in the 1991 Florida Keys hurricane evacuation study) to September 2002, including those permitted in Monroe County and in the Cities of Key Colony Beach and Layton. The City of Key West will permit an estimated total of 1,093 new permanent and transient units during the period April 1, 1990 to the April 2002. The annual allocation will be ninety-one units (91) single-family units or an equivalent combination of residential and transient types based on the equivalency factors established in Policy 1-3.12.3.

However, the above figures for new permanent and transient units and annual allocation may change should the final methodology used by the local governments involved or the final figures derived there from differ from those currently employed. By August 1, 1993, the City shall adopt a building permit allocation ordinance designed to implement the Building permit allocation system presented in the City of Key West Comprehensive Plan. Similarly, by August 1, 1993, the City shall adopt an ordinance which shall provide a regulatory system for administering "vested rights" issues. The regulations shall provide a procedure for vested rights determinations, through hearing or other procedure containing due process safeguards, and shall address the continuing effect of existing judicial, administrative, and executive determinations granting development rights to particular property owners, as well as (where applicable) the expiration of such rights. The City shall continue to consider, through periodic amendment of its regulations and procedures, new developments in the law of "vested rights" and "takings." When the vested rights of developments have expired, such developments shall, thereafter, comply with the building permit allocation ordinance.

The building permit allocation ordinance shall contain, inter alia, the following general criteria:

1. Any developments of whatever use classification (residential, transient, commercial, or other) contained in an approved DRI, approval for which has not expired, shall be considered vested at the time of remedial plan amendment adoption.
2. Any developments of whatever use classification which have been through all preliminary City approval procedures and reviews and have obtained all necessary City development orders, the time for appeal from which by the state land planning agency has expired, and which have substantially relied upon and acted in furtherance thereof, and which have commenced construction and are proceeding in good faith and in a timely manner toward completion, shall be considered vested at the time of remedial plan amendment adoption.
3. Developments which have obtained a final judicial order or decree at the time of the remedial plan adoption and have complied with all applicable laws and ordinances shall be considered vested as of said date. The City shall comply with the terms of all judicial orders concerning vested rights in particular cases.
4. The City may by ordinance institute a hearing procedure for determining the vested rights of properties not falling under the above provisions. The City may retain an independent hearing examiner to conduct hearings and make determinations regarding vested rights. There shall be the right of an appeal to the Circuit Court from the final determination of the City Commission as provided below.

The Building Permit Allocation Ordinance shall include the following concepts in its procedural provisions governing determination of vested rights and beneficial use and the effect of such determinations:

1. A determination of vested rights and beneficial use shall require:
 - a. An application to be submitted by the applicant to the City Planner within one (1) year after the effective date of the Comprehensive Plan;
 - b. The City may appoint a hearing officer or other qualified person or entity who shall give notice, schedule, and conduct a public hearing on the application;
 - c. The preparation of a proposed determination including findings of fact and conclusions of law which shall be submitted to the City Commissioners; and
 - d. A final determination that shall specify the development rights that are vested or the beneficial use to which the landowner is entitled, including:
 - i. The geographic scope of the determination in relation to the total area of the development site;
 - ii. The duration of the determination and an expiration date;
 - iii. The substantive scope of the determination;
 - iv. The applicability of existing and future City land development regulations;
 - v. verification that construction has commenced and quarterly reporting requirements to ensure that the development is continuing in good faith; and
 - vi. Such other limitations and conditions necessary to assure compliance with the Comprehensive Plan.

2. A determination of vested rights shall be based upon one or more valid, unexpired permits or approvals issued by the City of Key West prior to the effective date of this Comprehensive Plan. The determination of vested rights shall be limited to the development expressly contemplated by said permits or approvals and to those aspects of development which meet the standards and criteria below cited.

The applicant for a vested rights determination shall have the burden of proving that:

a. The applicant has reasonably relied upon an official act by the City. For the purpose of a vested rights determination pursuant to this Comprehensive Plan, any of the following may constitute an official act:

i. One or more valid, unexpired permits or approvals issued by the City, provided that the zoning or land use designation of property shall not be deemed to constitute a permit or approval for the purpose of a determination of vested rights; or

ii. A subdivision plat recorded in the records of the Monroe County Courthouse prior to June 8, 1993 which fulfills the criteria established in Section 380.05 (18), FS; or

iii. A valid, unexpired building permit issued prior to the effective date of the Comprehensive Plan; and

b. The applicant, acting in good faith, has incurred such extensive obligations and expenses that it would be highly inequitable or unjust to affect such rights by requiring the applicant to now conform to current City Comprehensive Plan and land development regulations. Substantial changes of position or expenditures incurred prior to the official City act upon which the vested rights claim is based shall not be considered in making the vested rights determination; and

c. That the development has commenced and has continued in good faith without substantial interruption.

Following the effective date of this Comprehensive Plan, landowners with a valid, unexpired Development of Regional Impact (DRI) approval granted by the City shall be vested, but only with respect to the portion of the DRI expressly covered by such approval.

3. A vested rights determination shall not preclude the City from subjecting the proposed development to City land development regulations in effect on the date of the vested rights determination or adopted subsequent to the vested rights determination unless the development is shown to be vested with regard to the subject matter addressed by prior development order and specific requirements pursuant to the procedures and criteria of stated above in sub-sections (1) and (2).

4. A vested rights determination shall specify an expiration date by which all building permits necessary for development shall have been issued. The expiration date shall be reasonable and in no event later than the date specified in the original development order.

5. It is the policy of the City of Key West that neither provisions of this Comprehensive Plan nor the land development regulations shall deprive a property owner of all reasonable economic use of a parcel of real property which is a lot or parcel of record as of the date of the adoption of the Comprehensive Plan. Accordingly, the City shall adopt a beneficial use procedure under which an owner of real property may apply for relief from the literal application of applicable land use regulations or of this plan when such application would have the effect of denying all economically reasonable or viable use of that property unless such deprivation is shown to be necessary to prevent

a nuisance under Florida law or in the exercise of the City's police power to protect the health, safety, and welfare of its citizens. For the purpose of this policy, all reasonable economic use shall mean the minimum use of the property necessary to avoid a taking within a reasonable period of time as established by land use case law.

a. The relief to which an owner shall be entitled may be provided through the use of one or a combination of the following:

i. Granting of a permit for development which shall be deducted from the permit allocation system;

ii. Granting of use of transferable development rights (TDRs) consistent with the Comprehensive Plan;

iii. City purchase of all or a portion of the lots or parcels upon which all beneficial use is prohibited;

iv. Such other relief as the City may deem appropriate and adequate.

The relief granted shall be the minimum necessary to avoid a "taking" of the property under existing state and federal law.

b. Development approved pursuant to a beneficial use determination shall be consistent with all other objectives and policies of the Comprehensive Plan and land development regulations unless specifically exempted for such requirements in the final beneficial use determination.

Policy 1-3.12.2: Building Permit Allocation Ordinance and Affordable Housing. The City permit allocation system shall require that thirty percent (30%) of all new permanent residential units be affordable units based on definitions and criteria contained in Policy 3-1.1.3 (Cross reference Section XI herein).

Policy 1-3.12.3: Permit Allocation System Ratios by Structure Type. The permit allocation system shall be sensitive to differing trip generating characteristics of permanent and transient residential units as well as single-family units, accessory apartment units and multi-family residential units. The annual allocation shall be ninety-one units (91) single-family units based on the Monroe County Model. The permit allocation system shall incorporate a series of equivalent single-family unit (ESFU) values in applying the annual permit allocation threshold established in the building permit allocation ordinance as hereinafter explained.

The following table illustrating the allocation of building permits by structure type shall be subject to evaluation by the City Commission every six (6) months and the allocation by structure type may be adjusted. However, these adjustments shall not cause the transient unit allocation to exceed a maximum of twenty-five (25) percent of total equivalent single family units. Similarly, adjustments shall not cause the total base allocation to become inconsistent with the Monroe County hurricane evacuation model.

Residential Structure Type	Column A	Column B	Column C
	Equivalent Single-Family Unit Value (ESFU) ⁽¹⁾	Maximum Annual Allocation By Structure Type ⁽²⁾	Maximum ESFU (Column B/Column A)
Single-Family	1.00 (a)	32	32
Accessory Apt./SRO	.55 (b)	17	30
Multi-Family	1.00 (c)	32	32
Transient Unit	.58 (d)	10	17
Total	NA	91	111

(1) The equivalent single family unit values are predicted on the ratio of the average number of vehicles per unit based on the 1990 US Census for the respective residential structure types divided by the vehicles per single family units (i.e., 1.08 vehicles per unit). The computations are as follows:

(a) Single family: $1.8/1.8 = 1.00$

(b) Accessory Apt. or Single Room Occupancy (SRO): $1.00/1.80 = .55$. The FL Department of Community Affairs approved the estimated average vehicles per accessory unit or single room occupancy (SRO) as one (1) vehicle per accessory unit or SRO. Cross reference Comprehensive Plan Policy 1-2.1.3.

(c) Multi-family: $1.8/1.8 = 1.00$

(d) Transient Unit: FL Department of Community Affairs approved .58 as representing a factor consistent with the traffic generating assumptions of the Monroe County Hurricane Evacuation Model.

(2) The ninety-one (91) units represent the estimated annual City allocation for the period April 1990 to April 2002 or 1093 single family units allocated by County Model divided by 12 equals' 91 units. The City has assigned weighted factors to each structure type. The first priority was to ensure that at least thirty-five (35) percent of the total unweighted units are single family units. Based on past trends, future demands are not anticipated to exceed this estimate. Secondly, the methodology for projecting total need for accessory units and single room occupancies is presented in Policy 1-2.1.3 (Cross reference Policy 1-2.1.3 in Section XIII herein). The number of transient units reflect a preference for preserving housing opportunities for permanent residents as opposed to transient residents since historical trends indicate an erosion of the permanent housing stock which is largely attributed to conversion of permanent housing units to transient housing.

Policy 1-3.12.4: Future Evaluation of Residential Permit System. The City of Key West recognizes that uncertainty exists regarding the number of units potentially vested in the City and County. Therefore, the City shall coordinate with Monroe County and the Cities of Layton and Key Colony Beach in re-evaluating the hurricane model assumptions, its policy implications, and the allocation of permits between jurisdictions. By September 1993, the City shall enter into an interlocal agreement with these jurisdictions to address further refinements to the model and permit allocation methodology.

Policy 1-3.12.5: Building Permit Allocation System. The designation of Future Land Use Classifications which allow residential densities within the Truman Waterfront Parcel does not in itself provide any allocation of units through the Building Permit Allocation System for that area. In order to facilitate redevelopment of the Truman Waterfront Parcel, equivalent single-family unit values and associated development rights may be transferred from any where within the city to land use classifications within the Truman Waterfront Parcel which allow residential development. This is not a transfer of density; rather, it pertains to the transfer of units which are allocated or vested in accordance with the Building Permit Allocation Ordinance. Any density associated with the unit

host site will remain on that site; however, once the unit is transferred, the density on the host site cannot be developed until units are allocated through the Building Permit Allocation Ordinance. The City Manager or his designee shall maintain records of the transfer of units under this provision.

(2) *Conformance with requirements.* Whether the proposal is in conformance with all applicable requirements of the Code of Ordinances.

The proposed modifications appear consistent with all applicable requirements of the Code.

(3) *Changed conditions.* Whether, and the extent to which, land use and development conditions have changed since the effective date of the existing regulations, and whether such changes support or work against the proposed rezoning.

The underlying need for a Building Permit Allocation System remains the same as it did when the Comprehensive Plan was originally adopted. However, clarifications and modifications to the implementing ordinance are required to address concerns raised by Judge Wayne Miller, the public, and the City Commission.

(4) *Land use compatibility.* Whether, and the extent to which, the proposal would result in any incompatible land uses, considering the type and location of uses involved.

This proposal does not impact land use classifications; therefore, this provision is not applicable.

(5) *Adequate public facilities.* Whether, and the extent to which, the proposal would result in demands on public facilities and services, exceeding the capacity of such facilities and services, existing or programmed, including transportation, water and wastewater services, solid waste disposal, drainage, recreation, education, emergency services, and similar necessary facilities and services. Rezoning does not constitute a concurrency determination, and the applicant will be required to obtain a concurrency determination pursuant to chapter 94.

The proposed ordinance modifications affect the allocation of residential units and do not impact concurrency determinations or other public facility determinations in the Comprehensive Plan and Land Development Regulations. All development and redevelopment must comply with those regulations.

(6) *Natural environment.* Whether, and to the extent to which, the proposal would result in adverse impacts on the natural environment, including consideration of wetlands protection, preservation of groundwater aquifer, wildlife habitats, and vegetative communities.

The proposed ordinance modifications relate to the allocation of residential units and do not impact existing natural resource protection regulations.

(7) *Economic effects.* Whether, and the extent to which, the proposal would adversely affect the property values in the area or the general welfare.

Any economic impacts associated with the management of building permit allocations occurred relative to the 1993 Comprehensive Plan and stipulated settlement agreement, and implementing regulations which were initially approved by the City Commission. Limited revisions to the ordinance are not expected to have any impact on property values or the general welfare of the City.

(8) *Orderly development.* Whether the proposal would result in an orderly and compatible land use pattern. Any negative effects on such pattern shall be identified.

This modification is not expected to have any new impact on existing land use patterns.

(9) *Public interest; enabling act.* Whether the proposal would be in conflict with the public interest, and whether it is in harmony with the purpose and interest of the land development regulations in this subpart B and the enabling legislation.

The Building Permit Allocation System is integral to the City's existing Comprehensive Plan and growth management approach and will continue to be so.

(10) *Other matters.* Other matters which the planning board and the city commission may deem appropriate.

Modifications to the Building Permit Allocation System are necessary to clarify provisions of the system. Further changes are also expected as part of long overdue updates to the Comprehensive Plan.

PROCESS

After the Planning Board recommends changes to the City Commission, the ordinance will require two City Commission readings for adoption. Absent any appeals, the ordinance will be rendered to the DCA, who will have 60 days to issue an order of consistency.

RECOMMENDATION

The Planning Department recommends consideration and approval of the draft Building Permit Allocation ordinance modifications.

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ARTICLE X. BUILDING PERMIT ALLOCATION AND VESTED RIGHT SYSTEM
ORDINANCE

DIVISION 1. GENERALLY

Sec. 108-986. Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Accessory units and single room occupancies (SROs) means units that must be deed-restricted as affordable; restricted to occupancy by permanent residents; and cannot be sold separately as a condominium. When an accessory unit occupancy permit is originally initiated, the principal unit must be owned and occupied by a permanent resident. An accessory unit or SRO cannot take up more than 40 percent of the principal structure nor can it exceed 600 square feet and the minimum size shall be 300 square feet. SROs by definition shall be restricted to one room efficiencies. No accessory unit shall have more than one bedroom unless an additional bedroom is approved as a variance by the planning board. If such variance is approved, the total square footage shall not exceed 600 square feet.

Administrative official means the official appointed by the city manager to administer this article.

Allocation application means the permanent and/or transient residential building permit allocation application submitted by applicants seeking allocation awards.

~~Allocation period~~ means a designated period of time within which applications for permanent and transient residential unit allocations will be accepted and processed.

~~Annual allocation period~~ means the 12 month period from the effective date of the ordinance from which this section derives or to its one-year anniversary date, and subsequent one-year periods.

~~Annual residential unit allocation~~ means the maximum number of permanent and transient residential units for which building permits may be issued in the first year of operation of the building permit allocation system and in succeeding years.

Residential unit means a permanent or transient unit, apartment, or dwelling unit as defined in the land development regulations, and expressly includes hotel and motel rooms, manufactured homes or mobile homes, transient quarters, accessory units, and single room occupancies.

~~Residential unit allocation~~ means the maximum number of permanent and transient residential units for which building permits may be issued in a given time period.

Residential unit building permit allocation award and allocation award and award mean the approval to a permanent or transient residential unit allocation application and the issuance of a building permit pursuant thereto.

~~Stipulated settlement agreement~~ means the agreement between the state department of community affairs and the city approved by the state on June 25, 1993, pursuant to F.S. § 163.3184(16), including the remedial comprehensive plan amendments stipulated therein.

(Code 1986, § 34.1374)

~~Cross references:~~ Definitions generally, § 1-2.

Sec. 108-987. Findings, Purpose and Intent

The city commission makes the following findings:

(1) ~~The city, pursuant to F.S. ch. 163, part II, and F.A.C. ch. 9J-5, adopted a comprehensive plan as required by state law;~~

(2) ~~The city, pursuant to F.S. § 163.3202(1), is required to adopt land development regulations that are consistent with and implement the adopted comprehensive plan;~~

The purpose and intent of the building permit allocation system is to implement the city's comprehensive plan by adopting a residential building permit allocation system limiting annual permanent and transient residential development in the city to:

(1) Reduce hurricane evacuation clearance times pursuant to the Florida Keys hurricane evacuation model known as the Miller Model.

(2) Limit the amount of residential development commensurate with the city's ability to maintain a reasonable and safe hurricane evacuation clearance time of no more than 24-hours.

(3) Regulate the amount of permanent and transient residential building permits in order to prevent further deterioration of public facility service levels, especially the traffic circulation level of service.

(4) Allocate the limited number of permanent and transient residential units available under this article, based upon the goals, objectives and policies set forth in the city comprehensive plan.

(5) Limit units allocated to those which generate from the the following sources: City of Key West Comprehensive Plan Policy 1.3.12.1; Memorandums of Agreement between the Department of Community Affairs and the City of Key West; Development Agreements; Settlement Agreements; Consent Final Judgments; units recovered by the City which were previously allocated and unused and subsequently returned to the City; and, units deriving from decreases in existing residential density and changes in residential uses and subsequently returned to the City.

~~(3) In addition to the mandates and authority under F.S. ch. 163, part II, and F.A.C. ch. 9J-5, the department of community affairs, the state land planning agency (referred to as the "DCA"), brought an action against the city in the state division of administrative hearings (DOAH), Case No. 92-0515GM, pursuant to F.S. § 163.3184(10);~~

~~(4) Pursuant to F.S. § 163.3184(16), the department of community affairs and the city entered into a stipulated settlement agreement which provides remedial action to bring the city comprehensive plan into compliance with F.S. ch. 163, part II;~~

~~(5) The stipulated settlement agreement and comprehensive plan objective 1-3.12 acknowledge, based on the county hurricane evacuation clearance time analysis, that:~~

~~a. The present hurricane evacuation clearance time in the Florida Keys is unacceptably high; and~~

~~b. Based on a continuation of historic rates of growth within the county's incorporated and unincorporated areas, clearance time will continue to increase;~~

~~(6) Furthermore, the stipulated settlement agreement mandates that:~~

~~a. The city shall adopt an annual building permit allocation system based on the Florida Keys permit allocations contained in the county building permit allocation ordinance; and~~

~~b. The city shall incorporate annual permit allocation thresholds by structure type based on county hurricane evacuation clearance time analysis and building permit allocation ordinance;~~

~~(7) To carry out the mandate in subsection (6) of this section, the stipulated settlement agreement and the comprehensive plan establish a rationale and directive pursuant to objective 1-3.12 which requires that:~~

~~"In order to protect the health and safety of the residents in the Florida Keys, the City of Key West shall regulate the rate of population growth commensurate with planned increases in evacuation capacity in order to prevent further unacceptable increases in hurricane evacuation clearance time. Regulation of the rate of growth will also assist in preventing further deterioration of public facility service levels. Therefore, in concert with Monroe County and the Cities of Key Colony Beach and Layton, upon plan adoption, the city shall manage the rate of growth in order to reduce the 1990 hurricane evacuation clearance time of 35 hours to 30 hours by the year 2002 and to 24 hours by the year 2010. The Florida Keys hurricane evacuation studies (Post, Buckley, Schuh & Jernigan, 1991) and the 'Lower Southeast Florida Hurricane Evacuation Study Update' (U.S. Army Corps of Engineers, June 1991) provided the basis for the 1990 hurricane evacuation clearance time and also provides the basis for projecting the targeted evacuation clearance times";~~

~~(8) The stipulated settlement agreement and the comprehensive plan, pursuant to policy 1-3.12.1, establish that:~~

~~"Upon plan adoption, the City of Key West shall adopt a building permit allocation ordinance. The building permit allocation ordinance shall establish a permit allocation system for managing new permanent and transient residential development. The permit allocation system shall limit the number of permits issued for new permanent and transient development to 5,786 units during the period from April 1, 1990 (i.e., the starting date used in the 1991 Florida Keys hurricane evacuation study) to September 2002, including those permitted in Monroe County and in the Cities of Key Colony Beach and Layton. The City of Key West will permit an estimated total of 1,093 new permanent and transient units during the period April 1, 1990, to the April 2002. The annual allocation will be 91 single family units or an equivalent combination of residential and transient types based on the equivalency factors established in Policy 1-3.12.3";~~

~~(9) The stipulated settlement agreement and the comprehensive plan, pursuant to policy 1-3.12.3, provide that:~~

~~"The permit allocation system shall be sensitive to differing trip generating characteristics of permanent and transient residential units as well as single family units, accessory apartment units and multifamily residential units. The annual allocation shall be 91 single family units based on the Monroe County Model. The permit allocation system shall incorporate a series of equivalent single family unit (ESFU) values in applying the annual permit allocation threshold established in the building permit allocation ordinance as hereinafter explained.~~

~~"The following table illustrating the allocation of building permits by structure type shall be subject to evaluation by the city commission every six months and the allocation by structure type may be adjusted. However, these adjustments shall not cause the transient~~

unit allocation to exceed a maximum of 25 percent of total equivalent single family units. Similarly, adjustments shall not cause the total base allocation to become inconsistent with the Monroe County hurricane evacuation model."

TABLE INSET:

—	Column A—	Column B—	Column C—
Residential Structure Type—	Equivalent Single-Family Unit Factor (1)—	Maximum Annual Allocation—By Structure—Type— (2)—	Maximum—ESFU (Column B/Column A)—
Single family—	1.00(a)—	32—	32—
Accessory Apt./SRO—	0.55(b)—	17—	30—
Multifamily—	1.00(c)—	32—	32—
Transient unit—	0.58(d)—	10—	17—
Total—	NA—	91—	111—

TABLE INSET:

Footnotes:—		
(1)—	The equivalent single family unit factors are based on the ratio of the average number of vehicles per unit based on the 1990 US Census for the respective residential structure types divided by the vehicles per single family units (i.e., 1.08 vehicles per unit). The computations are as follows:—	
—	(a)—	Single family: $1.8/1.8 = 1.00$ —
—	(b)—	Accessory apartment or single room occupancy (SRO): $1.00/1.80 = .55$. The Florida Department of Community Affairs approved the estimated average vehicles per accessory unit or single room occupancy (SRO) as one vehicle per accessory unit or SRO. Cross reference Comprehensive Plan Policy 1-2.1.3. Accessory units and single room occupancies (SROs) shall be affordable; restricted to occupancy by permanent residents; and cannot be sold separately as a condominium. When an accessory unit occupancy permit is originally initiated, the principal unit must be owned and occupied by a permanent resident. An accessory unit or SRO cannot take up more than 40 percent of the principal structure nor can it exceed 600 square feet and the minimum size shall be 300 square feet. The maximum threshold shall be an interim standard which may be increased, if prior to the remedial plan adoption date, an analysis of the city's apartments concludes that the typical one-bedroom apartment unit is more than 800 square feet and department of community affairs agrees that the 800 square feet threshold is not inconsistent with the Monroe County hurricane evacuation model. SROs by definition shall be restricted to one room

		efficiencies. No accessory unit shall have more than one bedroom unless an additional bedroom is approved as a variance by the planning board. If such variance is approved, the total square footage shall not exceed 600 square feet. The permit allocation system shall be coordinated with the county's analysis of evacuation clearance times in order to maintain or decrease the standard time for such clearance. The city shall include the adjusted accessory unit and SRQ impacts through 2010 in the annual allocation of units in order to reflect the impact of these units on public facilities.—
—	(c)—	Multifamily: 1.8/1.8 — 1.00—
—	(d)—	Transient unit: Florida Department of Community Affairs approved 0.58 as representing a factor consistent with the traffic generating assumptions of the Monroe County Hurricane Evacuation Model.—
(2)		The 91 units represent the estimated annual city allocation for the period April, 1990 to April, 2002 or 1,093 single-family units allocated by county model divided by 12 equals 91 units. The city has assigned weighted factors to each structure type. The first priority was to ensure that at least 35 percent of the total unweighted units are single-family units. Based on past trends, future demands are not anticipated to exceed this estimate. Secondly, the methodology for projecting total need for accessory units and single room occupancies is presented in comprehensive plan Policy 1-2.1.3. The number of transient units reflect a preference for preserving housing opportunities for permanent residents as opposed to transient residents since historical trends indicate an erosion of the permanent housing stock which is largely attributed to conversion of permanent housing units to transient housing."—

(10) The stipulated settlement agreement and the comprehensive plan recognize pursuant to comprehensive plan policy 1-3.12.1 that: "the above figures for new permanent and transient units and annual allocation (noted in comprehensive plan policy 1-3.12.3 and herein in section 108-987(9)) above may change should the final methodology used by the local governments involved or the final figures derived therefrom differ from those currently employed";

(11) The stipulated settlement agreement and the comprehensive plan acknowledge pursuant to policy 1-3.12.4 that "uncertainty exists regarding the number of units potentially vested in the city and county. Therefore, the city shall coordinate with Monroe County and the Cities of Layton and Key Colony Beach in re-evaluating the hurricane model assumptions, its policy implications, and the allocation of permits between jurisdictions. By September 1993, the city shall enter into an interlocal agreement with these jurisdictions to address further refinements to the model and permit allocation methodology";

(12) The stipulated settlement agreement and the comprehensive plan mandate pursuant to policy 1-3.12.1 that an ordinance shall be adopted including regulations which shall "provide a regulatory system for administering 'vested rights' issues. The regulations shall provide a procedure for vested rights determinations, through hearing or other procedure containing due process safeguards, and shall address the continuing effect of

~~existing judicial, administrative, and executive determinations granting development rights to particular property owners, as well as (where applicable) the expiration of such rights. The city shall continue to consider, through periodic amendment of its regulations and procedures, new developments in the law of 'vested rights' and 'takings.' When the vested rights of developments have expired, such developments shall, thereafter, comply with the building permit allocation ordinance." General criteria is established in the stipulated settlement agreement and in comprehensive plan policy 13.12.1 for determining and administering vested rights issues;~~

~~(13) In order to comply with the foregoing authorities, findings, and F.S. ch. 163, part II, the city is required to prepare and adopt a building permit allocation and vested rights determination ordinance consistent with the conditions of the stipulated settlement agreement and the comprehensive plan;~~

~~(14) The city finds that the building permit allocation ordinance and the vested rights determination ordinance is intended and necessary to satisfy the conditions of F.S. § 163.3184(16), the stipulated settlement agreement and implement the required remedial actions contained in the city's adopted comprehensive plan;~~

~~(15) It is the intent of the city commission to effectuate and directly advance these requirements, findings, purposes and intentions for the enhancement of the community character of the city, for the betterment of the general welfare, and for the reasons set forth in this section through the implementation of the building permit allocation and vested rights determination ordinance generally described in the city's comprehensive plan; and~~

~~(16) It is the intent of the city commission to implement the building permit allocation system and to determine and administer vested rights issues through the building permit allocation and vested rights determination ordinance in this article.~~

~~(Code 1986, § 34.1371; Ord. No. 08-04, § 19, 5-20-2008)~~

Sec. 108-988. Short title.

This article shall be known and may be cited as the "building permit allocation and vested rights system ordinance."

(Code 1986, § 34.1372(1))

Sec. 108-989. Authority.

~~The city commission has the authority to adopt this article pursuant to article VIII, section 2(b), Florida Constitution; F.S. § 166.021 et seq.; F.S. ch. 163, part II; F.A.C. 9J-5; the city comprehensive plan; the stipulated settlement agreement in the division of administrative hearings Case No. 92-0515GM; and each of the authorities, findings, and provisions set forth or referenced in section 108-987.~~

~~(Code 1986, § 34.1372(2))~~

~~(1) The city, pursuant to F.S. ch. 163, part II, and F.A.C. ch. 9J-5, adopted a comprehensive plan as required by state law; and,~~

~~(2) The city, pursuant to F.S. § 163.3202(1), is required to adopt land development regulations that are consistent with and implement the adopted comprehensive plan.~~

Sec. 108-990. Applicability.

→ CITY'S BPAS ORDINANCE
2009

This article shall apply to all property within the city except as expressly exempted in section 108-991. Nothing in this article shall relieve the owner of property from complying with other applicable sections of the city land development regulations for development on the property.

(Code 1986, § 34.1372(3))

Sec. 108-991. Development not affected by article.

Development consistent with the following shall not be affected by the terms of this article, but such development shall comply with all applicable sections of the city's land development regulations:

- (1) Any use, development, project, structure, building, fence, sign or activity which does not result in a net addition to the number of equivalent single-family dwelling unit stock.
- (2) Redevelopment or rehabilitation which replaces but which does not increase the number of permanent or transient residential dwelling units above that existing on the site prior to redevelopment or rehabilitation.
- (3) Units in existence at the time the April 1, 1990, Census was prepared are presumed not to be affected by BPAS. The Administrative Official shall review available documents to determine if a body of evidence exists to support the existence of units on or about April 1, 1990. Units existing in 1990 will be documented through a mandatory site visit by City Staff and at least two of the following records:

- a. Aerial photographs and original dated photographs showing that the structure existed on or about April 1, 1990;
- b. Building permits issued prior to April 1, 1990;
- c. Copies of City Directory entries on or about April 1, 1990;
- d. Site visits which indicate that the age of the structure and associated improvements likely pre-date 1990;
- e. Rental, occupancy or lease records from before and including April 1, 1990, indicating the number, type and term of the rental or occupancy;
- f. Copies of state, county, and city licenses on and about April 1, 1990, indicating the number and types of rental units;
- g. Documentation for Keys Energy Service and Florida Keys Aqueduct Authority indicating the type of service (residential or commercial) provided and the number of meters on or about April 1, 1990;
- h. Documentation for the Monroe County Property Appraiser's Office for the time on or about April 1, 1990 (Green Card); and
- i. Similar documentation as listed above.

Provision of affidavits to support the existence of a unit is allowed, but cannot be the sole record upon which a decision is based. Provision of documents is the responsibility of the applicant. The Administrative Official's decision shall be rendered to the Department of Community Affairs for a determination of consistency with the Principals for Guiding Development.

Units which are determined not to be affected by the Building Permit Allocation System per this subsection but which have not been previously acknowledged by the

Administrative Official are presumed to be lawfully established per Chapter 122, Article II, Nonconformities, if the additional following requirements are met:

- a. The applicant satisfies the Building Department that the unit is meets the Florida Building Code, through as built certifications or other means acceptable to the Building Official; and
- b. All back fee payments, including impact fee payments, from 1990 onward, as determined by the Building Department, are made in full.

Transient units which meet the criteria in this subsection will be licensed by the City.

~~(Code 1986, § 34.1372(4))~~

Sec. 108-992. Exemptions.

Development consistent with the following shall be exempt from the terms of this article, but such development shall be subject to the terms and limitations of applicable exemption sections and shall comply with all applicable sections of the city's land development regulations:

- (1) The holder of an unexpired vested rights order approved by the city pursuant to terms of this article.
- (2) ~~A landowner with a valid, unexpired development of regional impact (DRI) approval granted by the city and only if the proposed development is consistent with the terms of the final order approving the development of regional impact.~~

~~(Code 1986, § 34.1372(5))~~

Sec. 108-993. Purpose and intent of building permit allocation system.

~~The purpose and intent of the building permit allocation system is to implement policies of the stipulated settlement agreement between the state department of community affairs and the city (June 25, 1993) and the city comprehensive plan by adopting a residential building permit allocation system limiting annual permanent and transient residential development in the city to:~~

- ~~(1) Reduce hurricane evacuation clearance times pursuant to the Florida Keys hurricane evacuation model prepared by the U.S. Army Corps of Engineers and Post, Buckley, Schuh, and Jernigan (1991) and the county building permit allocation system's projected hurricane clearance times and road improvements.~~
- ~~(2) Limit the annual amount of residential development commensurate with the city's ability to maintain a reasonable and safe hurricane evacuation clearance time.~~
- ~~(3) Regulate the amount of permanent and transient residential building permits consistent with the stipulated settlement agreement in order to prevent further deterioration of public facility service levels, especially the traffic circulation level of service.~~
- ~~(4) Allocate the limited number of permanent and transient residential units available annually under this article, based upon the goals, objectives and policies set forth in the city comprehensive plan.~~

~~(Code 1986, § 34.1373)~~

Sec. 108-994~~993~~. Construction of article.

This article shall be liberally construed to effectively carry out the intent and purpose in the interest of the public health, safety and welfare.

(Code 1986, § 34.1378)

~~Secs. 108-995-108-1025. Reserved.~~

~~DIVISION 2. HEARING OFFICER*~~

~~*Cross references: Officers and employees, § 2-116 et seq.~~

~~Sec. 108-1026. Appointment; general duties; compensation; limitations.~~

~~(a) The city commission shall appoint one or more hearing officers to hear and consider such matters as may be required under any section of this article or as may be determined to be appropriate by the city commission from time to time. Such hearing officer shall serve at the pleasure of the city commission for such a period as is determined by the city commission.~~

~~(b) The hearing officer shall be compensated at a rate to be determined by the city commission, which amount shall be reimbursed to the city by the applicant.~~

~~(c) Any person who shall accept an appointment as a hearing officer shall, for a period of one year from the date of termination as holder of such office, not act as agent or attorney in any proceeding, application or other matter before any decision-making body of the city in any matter involving property that was the subject of a proceeding which was pending during the time the person served as a hearing officer. Such person shall not, for a period of one year from the date of termination as holder of such office, act as agent or attorney in any proceeding, application or other matter before any decision-making body of the city in any matter involving building permit allocations, exemptions, determinations of vested rights, or any other matters which are the subject of this article.~~

~~(Code 1986, § 34.1376(1))~~

~~Sec. 108-1027. Minimum qualifications.~~

~~A hearing officer shall have the following minimum qualifications:~~

~~(1) To hear issues involving vested rights or estoppel and other issues directed by the city commission, the hearing officer must be an attorney admitted to practice law in the state;~~

~~(2) The person shall have demonstrated knowledge of administrative, environmental and land use law and procedure within the state; and~~

~~(3) The person shall hold no other appointed or elected city public office or position during the period of appointment.~~

~~(Code 1986, § 34.1376(2))~~

~~Sec. 108-1028. Duties.~~

~~A hearing officer shall have the following duties:~~

~~(1) Conduct hearings on such matters as required under this article;~~

~~(2) Conduct hearings on such matters as may be requested by the city commission;~~

- (3) ~~Render and issue vested rights determinations applicable to a particular development or property;~~
- (4) ~~Submit to the city commission a written report containing a summary of the testimony and evidence given and findings based on pertinent criteria, and a copy of the vested rights determination issued for the particular development or property;~~
- (5) ~~Issue subpoenas to compel the attendance of witnesses and production of documents, and to administer oaths to witnesses appearing at the hearing; and~~
- (6) ~~Perform other tasks and duties pursuant to the terms of this article as the city commission may assign.~~
- ~~(Code 1986, § 34.1376(3))~~
- ~~Secs. 108-1029-108-1055. Reserved.~~

DIVISION 32. BUILDING PERMIT ALLOCATION SYSTEM

~~Sec. 108-1056994. Established.~~

~~The city establishes a building permit allocation system in order to limit the number of permits issued for permanent and transient units by structure type and affordability level to 1,093 new permanent and transient units during the period from April 1, 1990 (i.e., the starting date used in the 1991 Florida Keys hurricane evacuation study) to April 1, 2002. The annual allocation will be 91 single family units or an equivalent combination of residential and transient unit types based on the equivalency factors established in comprehensive plan policy 1-3.12.3, those available through the following means:~~

- ~~1. Units generating from Policy 1-3.12.1 of the Comprehensive Plan that have not been allocated, subject to the table below;~~
- ~~2. Legal mechanisms including Memorandums of Agreement between the Department of Community Affairs and the City of Key West, Development Agreements, Settlement Agreements and Consent Final Judgments.~~
- ~~3. Units as recovered by the City which were either previously allocated and unused or which derive from units which are determined not be affected by this article per Section 108-991.~~

~~(Code 1986, § 34.1375(1))~~

~~Sec. 108-1057. Annual residential unit Bbuilding permit allocation.~~

~~The following table describes the annual allocation of permanent and transient residential building permits:~~

~~TABLE INSET:~~

	Column A	Column B	Column C
Residential Structure Type	Equivalent Single-Family Unit Factor (1)	Maximum Annual Allocation By Structure Type (2)	Maximum ESFU (Column B/Column A)
Single-family	1.00(a)	32	32

Accessory apt./SRO	0.55(b)	17—	30—
Multifamily	1.00(c)	32—	32—
Transient unit	0.58(d)	10—	17—
Total	NA	91—	111—

TABLE INSET:

(1)	Pursuant to comprehensive plan policy 1-12.3, the equivalent single-family unit factors are based on the ratio of the average number of vehicles per unit based on the 1990 U.S. Census for the respective residential structure types divided by the vehicles per single-family units (i.e., 1.08 vehicles per unit). The computations are as follows:	
(a)	Single-family: $1.8/1.8 = 1.00$	
(b)	Accessory apartment or single room occupancy (SRO): $1.00/1.80 = 0.55$	
(c)	Multifamily: $1.8/1.8 = 1.00$	
(d)	Transient unit: 0.58 is consistent with the traffic generating assumptions of the county hurricane evacuation model.	
(2)	The 91 units represent the estimated annual city allocation for the period April 1990 to April 2002 (1093 single family units allocated by county model divided by 12 equals 91 units). Reference comprehensive plan policies 1-3.12.3 and 1-2.1.3.	

~~(Code 1986, § 34.1375(2))~~

Sec. 108-1058995. Reporting Requirements and Adjustments in residential allocation schedule.

The Administrative Official will provide an annual report to the Planning Board and City Commission providing the results of tracking and monitoring requirements and recommendations for any changes in the allocation by structure type. The annual report shall track all inputs to the system, per Section 108.994, as well as allocations to the system by structure type.

The table in section 108-1057 illustrating the allocation of building permits by structure type shall be subject to evaluation by the city commission ~~every six months~~ annually, and the allocation by structure type may be adjusted to accommodate shifts in supply and demand factors. However, under no circumstances will the allocations for affordable housing constitute less than 30% of the total ESFU available for allocation since 1990, nor shall the transient unit allocation exceed 25% of the ESFU available for allocation since 1990. Because transient allocations have exceeded 25% of the total ESFU, no further new transient allocations will be made under this system. ~~The city commission shall establish the schedule for such adjustments after considering recommendations by the administrative official. In addition, pursuant to the stipulated settlement agreement and comprehensive plan policy 1-3.12.4, the city shall coordinate with the county and the~~

~~cities of Layton and Key Colony Beach in reevaluating the hurricane model assumptions, its policy implications, and the allocation of permits between jurisdictions. By September 1993, the city shall enter into an interlocal agreement with these jurisdictions to address further refinements to the model and permit allocation methodology. The city may amend the amount of building permits to be annually allocated based on the subject interlocal agreement.~~

~~(Code 1986, § 34.1375(3)).~~

~~Sec. 108-1059. Adjustments in transient unit allocation.~~

~~Adjustments in the schedule for allocating permanent and transient units shall not cause the allocation of transient units to exceed a maximum of 25 percent of total equivalent single family units permitted in any 12-month period.~~

~~(Code 1986, § 34.1375(4))~~

~~Sec. 108-1060. Mandated affordable housing allocation.~~

~~Based on the terms of the stipulated settlement agreement and comprehensive plan policy 1-3.12.2, 30 percent of all new permanent residential units shall be affordable units.~~

~~(Code 1986, § 34.1375(5))~~

~~Sec. 108-1061. Accessory units and single room occupancies.~~

~~Accessory units and single room occupancies (SROs) pursuant to the terms of the stipulated settlement agreement and comprehensive plan policy 1-2.1.3 shall be affordable, restricted to occupancy by permanent residents, and cannot be sold separately as a condominium. When an accessory unit occupancy permit is originally initiated, the principal unit must be owned and occupied by a permanent resident. An accessory unit or single room occupancy cannot take up more than 40 percent of the principal structure nor can it exceed 600 square feet, and the minimum size shall be 300 square feet. The maximum threshold shall be an interim standard which may be increased if, prior to the remedial plan adoption date, an analysis of the city's apartments concludes that the typical one-bedroom apartment unit is more than 800 square feet and the state department of community affairs agrees that the 800-square-foot threshold is not inconsistent with the county hurricane evacuation model. Single room occupancies by definition shall be restricted to one room efficiencies. No accessory unit shall have more than one bedroom unless an additional bedroom is approved as a variance by the planning board. If such variance is approved, the total square footage shall not exceed 600 square feet. The permit allocation system shall be coordinated with the county's analysis of evacuation clearance times in order to maintain or decrease the standard time for such clearance. The city shall include the adjusted accessory unit and single room occupancy impacts through 2010 in the annual allocation of units in order to reflect the impact of these units on public facilities.~~

~~(Code 1986, § 34.1375(6); Ord. No. 08-04, § 20, 5-20-2008)~~

108-996 Period of Allocation

Allocations shall be for a one year period during which time a building permit must be obtained, unless a longer period is approved by resolution as part of a development plan, conditional use or development agreement approval. A single one year renewal of an

allocation may be granted by the Administrative Official upon a timely request made within one year of the unit issuance. No further extensions can be granted. Unused units will be returned to the system for reallocation.

Sec. 108-1062997- Tracking and monitoring system.

(a) The administrative official shall develop and maintain a ledger-tracking system which indicates the number of permanent and transient single family equivalent units by structure type and by affordability level constructed allocated since April 1, 1990. In addition, the city shall enter the number of permanent and transient units which receive an approved vested rights order. The units receiving an approved vested rights order shall be monitored in order to determine whether all limitations of the vested rights order are met during the active life of the vested rights order.

(b) The residential building permit tracking ledger shall be designed to account for the status of all permanent and transient units which have been vested or may be constructed within the city, including but not limited to the following:

(1) All permanent and transient units which have received a certificate of occupancy since April 1, 1990.

(2) All permanent and transient units not included in subsection (b)(1) of this section which are contained in an approved development of regional impact, the approval for which has not expired.

(3) All permanent and transient units not included in subsections (b)(1) and (2) of this section which have been through all preliminary city approval procedures and reviews and have obtained all necessary city development orders, the time for appeal from which by the state land planning agency has expired, and which have substantially relied upon and acted in furtherance thereof, and which have commenced construction and are proceeding in good faith and in a timely manner toward completion.

(4) Any permanent and transient units not included in subsections (b)(1) through (3) of this section which have obtained a final judicial order or decree at the time of the remedial plan adoption and have complied with all applicable laws and ordinances.

(Code 1986, § 34.1375(7))

Secs. 108-1063-108-1090. Reserved.

DIVISION 4. VESTED RIGHTS

Sec. 108-1091. Criteria for determining.

This division is intended to implement, supplement and be consistent with state statutory and case law as they relate to the doctrine of vested rights as applied to a local government exercising its authority and powers in zoning and related matters. The criteria provided in this section are intended to set forth factors that shall be considered in rendering a vested rights determination under this article. It is intended that each case be decided on its own merits, not based upon previous cases. A positive determination of vested rights is granted only if the property owner or applicant demonstrates by substantial competent evidence all three of the three part test listed in this section. In determining whether the property is entitled to vested rights under the three part test, the following shall be considered for each part:

~~(1) Upon some act or omission of city.~~ The following shall be considered as acts of the city for the purpose of part one of the three part test:

- ~~a. A valid, unexpired building permit issued prior to the effective date of comprehensive plan from the city which authorizes the specific development for which a determination is sought.~~
- ~~b. A subdivision plat recorded in the records of the county courthouse prior to June 8, 1993, which fulfills the criteria established in F.S. § 380.05(18).~~
- ~~c. Specific, authorized written statements or representations including agreements and formal actions of the city commonly relied upon and on which the property owner is reasonably justified in relying upon for the specific written statement or representation. Verbal statements, without written verification, by city personnel shall not be acceptable for meeting this part of the three part test.~~
- ~~d. Negligent or culpable omissions in which the city failed to act and was under a legal duty to do so.~~

~~(2) A property owner relying on good faith.~~ In determining whether reliance was in good faith, the following shall be considered for the purpose of part two of the three part test:

- ~~a. Whether the expenditures or obligations were clearly and directly connected to the authorizing act or omission of the city relied upon.~~
- ~~b. Whether the expenditures or obligations were made or incurred subsequent to the act or omission of the city relied upon.~~
- ~~c. Whether the expenditures or obligations were made/incurred in a timely fashion, that is, within a reasonable time period after the act or omission of the city relied upon.~~
- ~~d. That the development has commenced and has continued in good faith without substantial interruption.~~
- ~~e. For the purpose of part two of the three part test, expenditures or obligations shall be presumed not to have been made or incurred in good faith, unless rebutted by substantial competent evidence, if they were made or incurred:~~
 - ~~1. When a person misled the city.~~
 - ~~2. When the act of the city on which a person is relying has been invalidated or has expired and the person knew or should have known of such invalidity or expiration.~~
 - ~~3. While the act of the city upon which a person is relying was being contested in the courts, or this hearing process, or any other mediation or hearing process, except any mediation or hearing process prior to the adoption of Ordinance No. 93-37.~~

~~(3) Has made such a substantial change in position or has incurred such extensive obligations and expenses that it would be highly inequitable and unjust to destroy the rights acquired.~~ For the purpose of part three of the three part test, the following shall be considered in determining whether a substantial change in position has been made or extensive obligations and expenses have been incurred relating to the property such that it would be highly inequitable and unjust to destroy the rights acquired:

- ~~a. The substantial change in position made or the extensive obligations and expenses incurred shall be clearly and directly connected to the authorizing act or omission of the city and shall be made or incurred subsequent to the act of the city relied upon.~~
- ~~b. In balancing the competing interests, whether the demonstrated injuries, if any, suffered by the property owner in not allowing the development to proceed outweigh the public cost and public interest of allowing development to proceed.~~

- ~~c. Whether the property owner has incurred extensive obligation and expenses for hard costs of development.~~
 - ~~d. Whether the property owner has made infrastructure improvements within or to the subject property pursuant to a written agreement or development order with the city.~~
 - ~~e. Whether the property owner has constructed oversized infrastructure improvements within or to the property to meet the needs of other properties.~~
 - ~~f. Whether the city has required the person to oversize infrastructure improvements within or to the property to meet the needs of other properties and the city is willing to release the person from that obligation.~~
 - ~~g. Whether a person has incurred extensive obligations and expenses for the following development related matters that are made or incurred subsequent to the final act or omission relied upon:~~
 - ~~1. Architectural, attorney, engineering, or planning fees.~~
 - ~~2. Local, regional, state, and/or federal permit fees.~~
 - ~~3. Scientific, biological or environmental studies, tests, or reports.~~
 - ~~h. For the purpose of part three of the three part test, all facts and circumstances of each case, on a case by case basis, shall be considered in determining whether a change in position is substantial or whether obligations and expenses incurred are extensive.~~
 - ~~i. For the purpose of the three part test, all substantial changes of position or expenditures incurred prior to act of the city upon which a person relied upon shall not be considered in making the vested rights determination.~~
 - ~~j. If the record indicates that the applicant failed to demonstrate by substantial competent evidence any one of the required parts of the three part test set forth in this section, it shall not be inequitable to deny the applicant vested rights, in whole or in part.~~
- ~~(Code 1986, § 34.1377(2))~~

~~Sec. 108 1092. General requirements for determination.~~

~~Any owner of undeveloped property believing that he is entitled to a positive determination of vested rights shall submit to the administrative official a written application for determination of vested rights with a fee to be determined by resolution of the city commission no later than nine months from the effective date of Ordinance No. 93-37. Failure of the owner to submit such application within the time provided shall be deemed a waiver of his rights to obtain a determination of vested rights and shall constitute an abandonment of any claim to vested rights for that property. Judicial relief shall not be available unless all administrative remedies are exhausted, including appeal to the city commission.~~

~~(Code 1986, § 34.1377(1)(a))~~

~~Sec. 108 1093. Pending applications and development orders.~~

~~No person may claim vested rights arising from any of the following which is inconsistent with the comprehensive plan and which has not resulted in a building permit with commencement of construction continuing in good faith:~~

- ~~(1) Application for a development order processed on or after the effective date of Ordinance No. 93-37;~~
- ~~(2) A development order rendered or issued on or after the effective date of Ordinance No. 93-37; and~~

~~(3) Any expenditures or actions taken in reliance on any events stated in this section.
(Code 1986, § 34.1377(1)(b))~~

~~Sec. 108-1094. Application.~~

~~An application for determination of vested rights shall be submitted in the form established by the administrative official. An application fee in an amount to be determined by resolution of the city commission shall accompany and be part of the application. The fee shall be sufficient to defray the city's cost to administer the vested rights determination including fees for the hearing officer assigned to the case. The applicant shall submit at a minimum the following information:~~

- ~~(1) The name, address and telephone number of the property owner and applicant;~~
- ~~(2) The street address, legal description and acreage of the property;~~
- ~~(3) The type of development for which vesting is being sought; and~~
- ~~(4) An explanation of how the criteria identified in section 108-1091(1) through (3) is met.~~

~~(Code 1986, § 34.1377(1)(c))~~

~~Sec. 108-1095. Review of application.~~

~~(a) Generally. After receipt of an application for determination of vested rights, the administrative official shall review the application for completeness.~~

~~(b) Incomplete applications. If the application is incomplete, the administrative official shall notify the applicant in writing of the deficiencies.~~

~~(c) Complete applications. If the application is complete, the administrative official shall coordinate with appropriate city officials in evaluating the application for compliance with the criteria established in section 108-1091(1) through (3). The administrative official, after coordinating with appropriate city staff, shall be empowered to approve the vested rights determination in the specific cases cited in subsections (d)(1) through (3) of this section, if the administrative official finds that the application [clearly] complies with all criteria established in section 108-1091(1) through (3). The administrative official shall not render an affirmative vested rights determination when the administrative official has any doubt regarding the applicant's compliance with section 108-1091(1) through (3).~~

~~(d) Administrative review. The following items shall require the submission of an application; however, no hearing shall be necessary, as the determination of vested rights shall be made by the administrative official pursuant to the stipulated settlement agreement:~~

~~(1) All permanent or transient residential units contained in an approved development of regional impact, approval for which has not expired, and which is proceeding in good faith and in a timely manner towards completion shall be considered vested as of the date of Ordinance No. 93-37. Any substantial deviation in the approved development of regional impact may cause the property to lose any vested rights achieved through the original development of regional impact approval process.~~

~~(2) All permanent or transient residential units which have been through all preliminary city approval procedures and reviews and which have obtained all necessary city development orders, for which the time for appeal by the state land planning agency has expired, and which have commenced construction and are proceeding in good faith and in~~

~~a timely manner toward completion shall be considered vested as of the date of Ordinance No. 93-37.~~

~~(3) Developments which have obtained a final judicial order or decree at the time of the remedial plan adoption and which have complied with all applicable laws and ordinances shall be considered vested as of the date of building permit issuance. The city shall comply with the terms of all judicial orders concerning vested rights in particular cases.~~

~~(e) Notification of applicant. Within 60 days after receipt of a fully completed application with appropriate supporting material, the administrative official shall notify the applicant regarding the vested rights determination. When the administrative official does not clearly find that an affirmative administrative decision is appropriate pursuant to subsection (d) of this section, the administrative official shall notify the applicant that a hearing before a city-appointed hearing officer must be requested by the applicant. The administrative official's notification shall include application requirements for the hearing and shall also include notice of the appropriate fee which shall be determined by resolution of the city commission.~~

~~(Code 1986, § 34.1377(1)(d))~~

~~Sec. 108-1096. Hearing on application by hearing officer.~~

~~(a) Upon receipt of a completed application for a vested rights determination and fee, the administrative official shall schedule a vested rights determination hearing before a city-appointed hearing officer. Each vested rights determination case convened before a hearing officer shall include a hearing.~~

~~(b) At the hearing, the hearing officer shall take evidence and sworn testimony. The parties before the hearing officer shall include the city and the owner or applicant. Testimony shall be limited to matters directly relating to the criteria set forth in section 108-1091. The city shall have representation at the hearing and may offer such evidence as is relevant to the proceedings. The applicant may offer such evidence as is relevant to the proceedings. The order of presentation before the hearing officer at the hearing shall be as follows:~~

~~(1) The city's summary of the application, written recommendation, witnesses and other evidence;~~

~~(2) The owner's or applicant's witnesses and evidence;~~

~~(3) The city's rebuttal, if any; and~~

~~(4) The owner's or applicant's rebuttal, if any.~~

~~(Code 1986, § 34.1377(1)(e))~~

~~Sec. 108-1097. Determination by hearing officer.~~

~~Within 15 working days after the completion of the hearing as provided in this division, the hearing officer shall determine whether to grant, grant with conditions or deny the application for determination of vested rights and shall notify the applicant of the determination. The hearing officer's determination shall be based upon the evidence and testimony presented at the hearing and the recommendation of the administrative official, in light of the criteria set forth in section 108-1091. The determination shall be in writing and shall include findings of fact for each of the criteria and a determination granting, granting with conditions or denying, in part or in whole, the vested rights of development~~

on the property. The written determination shall specify the development rights that are vested or the beneficial use to which the landowner is entitled, including the following:

- (1) The geographic scope of the determination in relation to the total area of the property;
- (2) The duration of the determination and an expiration date;
- (3) The substantive scope of the determination;
- (4) The applicability of existing and future city land development regulations;
- (5) Verification that construction has commenced and quarterly reports ensuring that the development is continuing in good faith; and
- (6) Such other limitations and conditions necessary to ensure compliance with the comprehensive plan.

(Code 1986, § 34.1377(1)(f))

~~Sec. 108-1098. Appeal of determination.~~

~~Within 30 days after issuance of the hearing officer's determination made pursuant to this division, the administrative official, on behalf of the city, or the owner or applicant may appeal the determination of the hearing officer to the city commission by filing an application with the city clerk. The city commission shall either uphold, uphold with modifications or reject the hearing officer's determination of vested rights. The city commission shall be authorized to modify or reject the hearing officer's determination only when the determination is not supported by substantial competent evidence presented during the hearing or the determination is contrary to the criteria established in section 108-1091. The property owner or the applicant may appeal the decision of the city commission to the circuit court.~~

(Code 1986, § 34.1377(1)(g))

~~Sec. 108-1099. Limitation on determination.~~

~~(a) A determination of vested rights which grants an application for determination of vested rights shall confirm such vested rights only to the extent expressly contained in such determination. Except as expressly stated, nothing in this division shall relieve the property owner from complying with the city's land development regulations and building codes in developing the property.~~

~~(b) A determination of vested rights which grants an application for determination of vested rights shall expire and be null and void any time after six months from the date of issuance unless the following conditions are met:~~

- ~~(1) Construction has commenced pursuant to a building permit; and~~
- ~~(2) Substantial permanent buildings have been or are being constructed pursuant to a building permit and construction is continuing in good faith. Good faith shall mean construction which is receiving inspections in a timely manner and which can show tangible improvements to the property and which shall be consistent with criteria cited in section 108-1091.~~

~~(c) A determination of vested rights shall apply to the land and is, therefore, transferrable from owner to owner of the land subject to the determination.~~

~~(d) Anything in this article to the contrary notwithstanding, a determination of vested rights may be revoked upon a showing by the city of a danger to public health, safety and welfare of the residents of the city unknown at the time of approval.~~

(Code 1986, § 34.1377(3))

Sec. 108-1100998. Procedures for ensuring beneficial use of private property.

(a) It is the policy of the city that neither provisions of the comprehensive plan nor the land development regulations shall deprive a property owner of all reasonable economic use of a parcel of real property which is a lot or parcel of record as of the date of adoption of the comprehensive plan. An owner of real property may apply for relief from the literal application of applicable land use regulations or of this plan when such application would have the effect of denying all economically reasonable or viable use of that property unless such deprivation is known to be necessary to prevent a nuisance under state law or in the exercise of the city's police power to protect the health, safety, and welfare of its citizens. All reasonable economic use shall mean the minimum use of the property necessary to avoid a taking within a reasonable period of time as established by land use case law.

(b) The relief to which an owner shall be entitled may be provided through the use of one or a combination of the following:

(1) Granting of a permit for development which shall be deducted from the permit allocation system.

(2) Granting the use of transfer of development rights (TDRs) consistent with the comprehensive plan.

(3) Purchasing by the city of all or a portion of the lots or parcels upon which all beneficial use is prohibited.

(4) Such other relief as the city may deem appropriate and adequate.

The relief granted shall be the minimum necessary to avoid a taking of the property under existing state and federal law. (c) Development approved pursuant to a beneficial use determination shall be consistent with all other objectives and policies of the comprehensive plan and land development regulations unless specifically exempted from such requirements in the final beneficial use determination.

(Code 1986, § 34.1377(4))

~~Secs. 108-1101-108-1125. Reserved.~~

K:\LDR Amendments\ARTICLE X-draft ordinance revision 022609.doc

on the site were subject to the City's Comprehensive Plan Policy 3-1.3.3 (Exhibit 8), which provides:

Policy 3-1.1.3: Additions to LDRs. Based on the Comprehensive Plan analysis of the "growth management," the City shall repeal the growth management ordinance and adopt as part of the land development regulations: 1) an affordable housing ordinance; and 2) a rate of growth ordinance.

Ratio of Affordable Housing to Be Made Available City-Wide: 1990-2010. The affordable housing ordinance shall stipulate that at least thirty percent (30%) of all residential units constructed each year shall be affordable as herein defined. Residential or mixed-use projects of less than ten (10) residential units shall be required to either develop thirty (30) percent of the units as affordable units on- or off-site, or contribute a fee in lieu thereof. However, residential projects of ten (10) units or more shall provide affordable units on- or off-site and will not have the option of fees in lieu thereof based on provisions to be included in the updated land development regulations.

Affordable Housing Trust Fund to be Established. The City shall establish and maintain an "affordable housing trust fund" with revenue received from "fees in lieu" of constructing required affordable housing as herein stipulated that is earmarked for the support and production of low and moderate income housing. The fees-in-lieu and the Housing Trust Fund shall not be commingled with general operating funds of the City of Key West. The trust fund shall be used for direct financial aid to developers as project grants and affordable housing project financing; direct or indirect aid to home buyers or renters as mortgage or rental assistance; and leverage to housing affordability, through site acquisition or development and housing conservation.

Impacted Land Uses. Any new commercial, industrial, hotel/motel or multi-family housing development shall be required to provide affordable housing or make "fees-in-lieu" to the Housing Trust Fund. The formula for determining the number of affordable housing units (or "fees-in-lieu") to be provided by each type of development cited above shall be stipulated in the land development regulations. The formula for commercial, industrial and hotel/motel developments shall be based on an economic assessment to be undertaken as part of the City's Comprehensive Housing Affordability Study to be completed in FY 1992-93. This assessment shall provide a fair and equitable affordable housing unit threshold based on each 100 square feet of gross leasable (or total units in the case of multi-family units or hotel/motel units).

Separately, Objective 1-1.6 of the City's Comprehensive Plan provides criteria for integrating former military sites, as follows:

Key West, Florida, Code of Ordinances >> Subpart B - LAND DEVELOPMENT REGULATIONS >>
Chapter 122 - ZONING >> ARTICLE V. - SUPPLEMENTARY DISTRICT REGULATIONS >> DIVISION 10.
- WORK FORCE HOUSING >>

DIVISION 10. - WORK FORCE HOUSING [151]

Sec. 122-1465. - Intent.

Sec. 122-1466. - Definitions.

Sec. 122-1467. - Requirements of affordable work force housing; ratio of new construction.

Sec. 122-1468. - Affordable work force housing trust fund.

Sec. 122-1469. - Applicant eligibility requirements.

Sec. 122-1470. - Accessory unit infill.

Sec. 122-1471. - Community housing development organization.

Sec. 122-1472. - Family size.

Sec. 122-1473. - Reserved.

Secs. 122-1474—122-1500. - Reserved.

Sec. 122-1465. - Intent.

It is the intent of this division to create affordable housing categories to facilitate the development of housing designed and priced to meet the needs of people employed by the local economy in a manner that reflects the percentage of the workforce at each income level and mixes people of all incomes together and does not create high and low-income enclaves.

(Ord. No. 05-27, § 2, 10-18-2005)

Sec. 122-1466. - Definitions.

The following words, terms and phrases, when used in this division, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Affordable housing shall be defined as provided in the following classifications:

Affordable housing (low income) for a rental dwelling unit shall mean a dwelling unit whose monthly rent, not including utilities, does not exceed 30 percent of that amount which represents 80 percent of the monthly median household income (adjusted for family size). For an owner-occupied dwelling unit, affordable housing (low income) shall mean a dwelling unit whose sales price shall not exceed two and one-half times the annual median household income (adjusted for family size) for Monroe County, in accordance with section 122-1472.

Affordable housing (median income) for a rental dwelling unit shall mean a dwelling unit whose monthly rent, not including utilities, does not exceed 30 percent of that amount which represents 100 percent of the monthly median household income (adjusted for family size) for Monroe County. For an owner-occupied dwelling unit, affordable housing (median income) shall mean a dwelling unit whose sales price shall

not exceed three and one-half times the annual median household income (adjusted for family size) for Monroe County, in accordance with section 122-1472. The definition of "affordable housing (median income)" applies to and encompasses all affordable housing under construction or built pursuant to this ordinance prior to July 1, 2005, for which deed restrictions are required.

Affordable housing (middle income) for a rental dwelling unit shall mean a dwelling unit whose monthly rent, not including utilities, does not exceed 30 percent of that amount which represents 140 percent of the monthly median household income (adjusted for family size) for Monroe County. For an owner-occupied dwelling unit, affordable housing (middle income) shall mean a dwelling unit whose sales price shall not exceed six and one-half times the annual median household income (adjusted for family size) for Monroe County, in accordance with section 122-1472.

Affordable housing (moderate income) for a rental dwelling unit shall mean a dwelling unit whose monthly rent, not including utilities, does not exceed 30 percent of that amount which represents 120 percent of the monthly median household income (adjusted for family size) for Monroe County. For an owner-occupied dwelling unit, affordable housing (moderate income) shall mean a dwelling unit whose sales price shall not exceed five times the annual median household income (adjusted for family size) for Monroe County, in accordance with section 122-1472.

Affordable work force housing shall include low income, median income, moderate income and middle income housing.

Affordable work force housing trust fund shall mean the trust fund established and maintained by the city for revenues from fees in lieu of constructing affordable work force housing, and revenues from any other source earmarked for the trust fund by land development regulation, ordinance or donation.

Median household income shall mean the median household income published for Monroe County on an annual basis by the U.S. Department of Housing and Urban Development.

(Ord. No. 98-18, § 1, 6-3-1998; Ord. No. 02-08, § 1, 2-20-2002; Ord. No. 05-27, § 3, 10-18-2005)

Cross reference— Definitions generally, § 1-2.

/ Sec. 122-1467. - Requirements of affordable work force housing; ratio of new construction.

- ✓(a) *New market-rate multifamily residential housing.* At least ten percent of all new multifamily residential units constructed each year shall be low income affordable housing of at least 400 square feet each, as defined herein and 20 percent shall be affordable housing (median income) housing of at least 400 square feet each, as defined herein. Residential or mixed use projects of less than ten residential or mixed use units shall be required to develop at least 30 percent of units of at least 400 square feet each as affordable (median income), but may contribute a fee in lieu for each unit to the affordable work force housing trust fund, if approved by the city commission. The per unit fee shall be \$200,000.00 (representing construction cost, less land cost, of a 400 square foot unit). The 30 percent affordability requirement shall be determined on a project by project basis and not on a city-wide basis. Vested units shall be subject to

this subsection if not otherwise governed by law or agreement. For every required affordable housing (median income) unit, a developer may increase the sales or rental rates to affordable housing (middle income) so long as another unit's sales or rental rate is decreased to affordable housing (low income).

- (b) *Linkage of projects.* Two development projects may link to allow the affordable housing requirement of one development project to be built at the site of another project, so long as the affordable housing requirement of the latter development is fulfilled as well. Written proof of the project linkage shall be supplied by the developer to the city commission at the time of the first site plan approval. The project containing the affordable units must be built either before or simultaneously with the project without, or with fewer than, the required affordable units. In addition, if a developer builds more than the required number of affordable units at a development site, this development project may be linked with a subsequent development project to allow compliance with the subsequent development's affordable unit requirement. Written proof of the linkage must be supplied by the developer to the city commission at the time of the subsequent development's site plan approval. Linkage shall not be available if either development is entirely or in part to be constructed by public funds. Finally, all linkages under this subsection may occur within the city or on a site within the city and on a site on Stock Island in the unincorporated part of the county.

- ✓(c) *New affordable work force housing.* The maximum total rental and/or sales price for all new affordable work force housing units in a single development shall be based on each unit being affordable housing (moderate income). The rental and/or sales price may be mixed among affordable housing (low income), (median income), (middle income) and (moderate income) in order that the total value of rental and/or sales does not exceed ten percent of the rental and/or sales of all the units at affordable housing (moderate income).

- (d) *Demonstration of continuing affordability.* Demonstration of continuing affordability shall be by deed restriction or any other mutually acceptable method that effectively runs with the land and is binding on owners, successors in ownership, or assigns. The deed restriction shall be in a form provided by the city and shall be for a period of at least 50 years. It shall be recorded in the county records. During the final year of the deed restriction, the city commission may act by Resolution to renew the affordability restriction for an additional 50-year term.

- ✓(e) *Reporting requirements.* Owners of affordable work force housing projects or units shall furnish the city manager or his designee with annual information necessary to ensure continued compliance with affordability criteria, beginning one year after the date of building permit issuance and on each anniversary date thereafter. Reporting requirements shall include sworn tenant household verification information. Property owners subject to this subsection may contract with the Key West Housing Authority to perform annual tenant eligibility verification.

- (f) *Compliance with antidiscrimination policy.* All property owners offering housing under this division shall comply with the antidiscrimination policy of article II of chapter 38

(Ord. No. 98-18, § 1, 6-3-1998; Ord. No. 02-08, § 1, 2-20-2002; Ord. No. 05-27, § 4, 10-18-2005)

Sec. 122-1468. - Affordable work force housing trust fund.

- (a) The affordable work force housing trust fund (referred to as the "trust fund") is established. The trust fund shall be maintained with funds earmarked for the trust fund for the purpose of promoting affordable work force housing in the city and its immediate

environs. Monies received by the trust fund shall not be commingled with general operating funds of the city. The trust fund shall be in a separate dedicated fund used only for the following:

- (1) Financial aid to developers as project grants for affordable housing (low income) to (moderate income) construction;
 - (2) Financial aid to eligible homebuyers of affordable housing (low income) to (moderate income) as mortgage assistance;
 - (3) Financial incentive for the conversion of transient units to affordable housing (low income) to (moderate income) residential units;
 - (4) Direct investment in or leverage to housing affordability through site acquisition, housing development and housing conservation; or
 - (5) Other affordable work force housing purposes from time to time established by resolution of the city commission.
- (b) Except as provided in section 122-1471, the city commission shall determine all expenditures from the trust fund upon the advice of the city manager.

(Ord. No. 98-18, § 1, 6-3-1998; Ord. No. 02-08, § 1, 2-20-2002; Ord. No. 05-27, § 5, 10-18-2005)

Sec. 122-1469. - Applicant eligibility requirements.

The following eligibility requirements shall be required of households or persons to qualify for affordable work force housing units to the extent lawful:

- (1) The household or person shall derive at least 70 percent of its or his/her total income from gainful employment in the county.
- (2) At the time of sale or lease of an affordable housing (low income) unit, the total income of eligible household or persons shall not exceed 80 percent of the median household income for the county (adjusted for family size).
- (3) During occupancy of any an affordable housing (low income) rental unit, a household's income may increase to an amount not to exceed 120 percent of the median household income for the county (adjusted for family size). In such event, the tenant's occupancy shall terminate at the end of the existing lease term.
- (4) At the time of sale or lease of an affordable housing (median income) unit, the total income of eligible households or persons shall not exceed 100 percent of the median household income for the county (adjusted for family size).
- (5) During occupancy of any affordable housing (median income) rental unit, a household's annual income may increase to an amount not to exceed 140 percent of median household income for the county (adjusted for family size). In such event, the tenant's occupancy shall terminate at the end of the existing lease term.
- (6) At the time of sale or lease of an affordable housing (moderate income) unit, the total income of eligible households or persons shall not exceed 120 percent of the median household income for the county (adjusted for family size).
- (7) During occupancy of an affordable housing (moderate income) rental unit, a household's annual income may increase to an amount not to exceed 160 percent of median household income for the county (adjusted for family size). In such event, the tenant's occupancy shall terminate at the end of the existing lease term.

- (8) At the time of sale or lease of an affordable housing (middle income) unit, the total income of eligible households or persons shall not exceed 140 percent of the median household income for the county (adjusted for family size).
- (9) During occupancy of an affordable housing (middle income) rental unit, a household's annual income may increase to an amount not to exceed 180 percent of median household income for the county (adjusted for family size). In such event, the tenant's occupancy shall terminate at the end of the existing lease term.
- (10) Eligibility is based on proof of legal residence in the county for at least one consecutive year.
- (11) Priority shall be given to families of four or more members for larger sized affordable work force housing units.
- (12) The applicant shall execute a sworn affidavit stating the applicant's intention to occupy the dwelling unit.
- (13) The income of eligible households shall be determined by counting only the first and highest paid 40 hours of employment per week of each unrelated adult. For a household containing adults related by marriage or a domestic partnership registered with the city, only the highest 60 hours of the combined employment shall be counted. The income of dependents regardless of age shall not be counted in calculating a household's income.
- (14) In the event that a tenant's income shall exceed the maximum allowable income under this section and such shall occur for the first time during the last three months of a tenancy, then the landlord and tenant may extend a lease for a period of one year at the affordable rental rate.
- (15) The planning board may review a household's income and unique circumstances to determine eligibility and conformance with the intent of this ordinance to assure that people in need are not excluded and people without need are not included.

(Ord. No. 98-18, § 1, 6-3-1998; Ord. No. 02-08, § 1, 2-20-2002; Ord. No. 05-27, § 6, 10-18-2005; Ord. No. 08-04, § 29, 5-20-2008)

Sec. 122-1470. - Accessory unit infill.

- (a) In all zoning districts of the city, except conservation districts (C), airport district (A) and the HPRD, PRD, HHDR, HMDR, MDR, MDR-C, LDR-C and SF districts, the city commission desires to encourage the addition of affordable work force housing on the same site as commercial properties and institutions to promote employee housing. Such development shall be known as accessory unit infill. Tenants shall be eligible persons under section 122-1469. Applicants under this section may provide two bicycle or scooter parking spaces per unit as an alternative to applying to the planning board for parking variances. Provided that units of 600 square feet or less are treated as an 0.55 equivalent unit and all units provided are available under the city's building permit allocation ordinance, section 108-1056 et seq. of the Code of Ordinances, the city shall process applications under this section in the same manner as multifamily units or as a conditional use if multifamily is not allowed.
- (b) The maximum total rental and/or sales price for accessory unit infill in a single development shall be based on each unit being affordable housing (moderate income). The rental and/or sales price may be mixed among affordable housing (low income), (median income), (middle income) and (moderate income) in order that the total value

in rental and/or sales does not exceed ten percent of the rental and/or sales of all the units at affordable housing (moderate income).

(Ord. No. 98-18, § 1, 6-3-1998; Ord. No. 02-08, § 1, 2-20-2002; Ord. No. 05-27, § 9, 10-18-2005; Ord. No. 08-04, § 30, 5-20-2008)

Sec. 122-1471. - Community housing development organization.

The city commission may promote the establishment of a nonprofit community housing development organization (CHDO), pursuant to federal regulations governing such organizations, to serve as developer of affordable workforce housing units on city-owned property located in both the city and in the community redevelopment areas, including excessed U.S. Navy property, or located in Key Haven and Stock Island in the unincorporated part of the county, upon interlocal agreement. In such event, the city may delegate to the community housing development organization all or partial administration of the affordable housing trust fund.

(Ord. No. 98-18, § 1, 6-3-1998; Ord. No. 02-08, § 1, 2-20-2002; Ord. No. 05-27, § 10, 10-18-2005)

Sec. 122-1472. - Family size.

When establishing a rental or sales amount, one shall assume family size as indicated in the table below. This section shall not be used to establish the maximum number of individuals who actually live in the unit.

Size of Unit	Assumed Family Size	Minimum Occupancy
Efficiency (no separate bedroom)	1	1
One bedroom	2	1
Two bedroom	3	2
Three bedroom	4	3
Four or more bedrooms	5	1 per bedroom

(Ord. No. 02-08, § 1, 2-20-2002; Ord. No. 05-27, § 11, 10-18-2005)

Sec. 122-1473. - Reserved.

Editor's note—

Section 12 of Ord. No. 05-27, adopted Oct. 18, 2005, repealed § 144-1473, which pertained to sunset provisions, and derived from Ord. No. 98-18, adopted June 3, 1998; and Ord. No. 02-08, adopted Fe. 20, 2002.

Secs. 122-1474—122-1500. - Reserved.

FOOTNOTE(S):

⁽¹⁵¹⁾ *Editor's note—* Section 1 of Ord. No. 05-27, adopted Oct. 18, 2005, amended the title of Div. 10, Affordable Housing to read as herein set out. [\(Back\)](#)

⁽¹⁵¹⁾ *Cross reference—* Fair housing, § 38-26 et seq. [\(Back\)](#)

Ashley Monnier

From: Don Craig
Sent: Thursday, October 20, 2011 2:32 PM
To: Jim Scholl; Shawn Smith; Mark Finigan
Cc: Ashley Monnier; dph@horan-wallace.com
Subject: Fwd: rogo allocations

FYI
as i requested
don

----- Forwarded message -----

From: Jetton, Rebecca <Rebecca.Jetton@deo.myflorida.com>
Date: Thu, Oct 20, 2011 at 2:26 PM
Subject: rogo allocations
To: "DCraig@Keywestcity.com" <DCraig@keywestcity.com>

Don: You recently contacted me regarding the existing units at Peary Court which were constructed by the Navy for their military personnel. Since the units were built by the Navy, no ROGO allocations were identified or allocated by the City. The Navy has sold the units on the private market. You have questioned whether the city must now retro-actively assign ROGO allocations for this facility.

The recent 2010 Census accounts for these units and they were included in our recent hurricane evacuation modeling. I see no reason why the City would now have to allocate the units.

--
Donald Leland Craig , AICP

Rick Scott
GOVERNOR



Doug Darling
EXECUTIVE DIRECTOR

January 20, 2012

Mr. Jeff Green
Gulf Coast Development Manager
Balfour Beatty Communities
3502 East Eighth Street, Bldg 452
Gulfport, Mississippi 39501

Dear Mr. Green:

Thank you for your recent inquiry regarding hurricane evacuation in the City of Key West. Specifically, you have asked the following questions:

1. *How have the 157 units at Peary Court been incorporated into the Hurricane Evacuation Model?* Hurricane modeling is based upon block group data from the census. Information regarding the number of dwelling units, the number of cars that will be driven during an evacuation and whether or not a particular unit is occupied during hurricane season is derived from census data. In 2009, the Department of Community Affairs contracted with Dr. Earl J. Baker, Florida State University, to conduct behavior surveys to update the model. The following response is an excerpt from the study conducted by Dr. Baker.

Evacuation of Military Installations

"At the suggestion of Monroe County Emergency Management, a representative of Key West Naval Air Station was interviewed with respect to the installation's evacuation procedures. Although there are other military installations in the Keys, the Naval Air Station is the largest, and procedures followed by others were thought to be similar. Jim Brooks, the Public Information Officer, was interviewed.

There are 1,676 uniformed military personnel in the Keys, including all installations, with 1,015 family members. There are up to 459 military training personnel *in addition* who would be flown out in an evacuation. Other personnel and their families would drive their own vehicles in and evacuation. Up to 100 would remain on base. Civilians assigned to the base number 848.

The Caldwell Building 107 E. Madison Street Tallahassee, Florida 32399-4120
850.245.7105 TTY: TDD 1-800-955-8771 Voice 1-800-955-8770 FloridaJobs.org



Mr. Jeff Green
January 20, 2012
Page 2 of 2

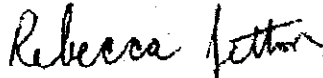
No one would evacuate prior to an evacuation order being issued by the County. (The exception presumably would be personnel removing equipment.) Salary and expenses would be paid during an mandatory evacuation, and NAS reserves hotel rooms in Orlando for personnel and dependents. Mr. Brooks estimated that 90% of personnel and families would leave within 6 hours of the evacuation order and 98% would be gone within 12 hours.

His general impression was that vehicle ownership would be comparable to the general population. It is possible that a larger percentage of available vehicles would be taken in an evacuation because certain personnel would be required to return to the base within 24 hours of passage of a hurricane."

2. *Does the hurricane evacuation model reflect the existing civilian component, as well as the proposed civilian component under new ownership?* The model is based upon how a person responds to census questions taken at ten year intervals regarding whether they live in a household or in group quarters. The software entries would have been determined by the 2000 Census. If residents within Peary Court answered census surveys indicating they lived within a "household," the unit would have been counted. For residents of barracks and other group quarters, no unit counts were developed because the starting assumption was that all group quarters residents (including military) would be evacuated ahead of any general evacuation order. Group quarters would include prisoners, residents of nursing homes, people in hospitals and other medical facilities, as well as the military personnel living in group facilities on the base.

In conclusion, it would be my assumption that the units have been counted as dwelling units in the evacuation models. If you require additional information, please contact (850)717-8494.

Sincerely,



Rebecca Jetton, Administrator
Areas of Critical State Concern

Linnan, Nancy G.

From: David P. Horan [David@horan-wallace.com]
Sent: Wednesday, May 09, 2012 5:02 PM
To: Linnan, Nancy G.
Subject: FW: DEO letters from Jan 20 2012 and prior Affordability Letter dated Nov 14 2011
Attachments: DEO Jan 20 2012 letter.pdf; DEO Nov 14 2011 letter.pdf

Here are the two letters. Hope to see you in Tally Monday.

Respectfully,
David Paul Horan, Esq.
**Horan, Wallace
& Higgins**
608 Whitehead Street
Key West, Florida 33040
(305) 294-4585 (Telephone)
(305) 294-7822 (Facsimile)

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From: Ralf Brookes [mailto:ralfbrookes@gmail.com]
Sent: Wednesday, May 09, 2012 4:05 PM
To: David P. Horan; Karen R. Horan
Subject: Fwd: DEO letters from Jan 20 2012 and prior Affordability Letter dated Nov 14 2011

For your computer files these are the prior DEO letters

Ralf Brookes
Ralf Brookes Attorney
www.RalfBrookesAttorney.com
Ralf Brookes Attorney
1217 East Cape Coral Parkway #107
Cape Coral Florida 33904
Phone (239) 910-5464
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Ralf@RalfBrookesAttorney.com

Board Certified in City, County and Local Government Law
by The Florida Bar

PLEASE NOTE if you are writing to me in my capacity as a City Attorney on a matter affecting City of Bradenton Beach or Town of Yankeetown:> Florida has a broad public records law and all correspondence, including email addresses, may be subject to disclosure.